

1. Agenda

Documents:

[AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[BILL LIST.PDF](#)
[COUNCIL MANUAL PROPOSAL.PDF](#)
[COUNCIL MANUAL.PDF](#)
[PACKET.PDF](#)
[PURCHASING POLICY.PDF](#)



COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET
October 9, 2017, at 5:30 PM

NOTICE to PUBLIC: the Mayor and City Council welcome comment from the public during discussion. You are required to step to the microphone, state your name and address for the record and to limit the time used to present your remarks in order that others may be given the opportunity to speak.

CALL to ORDER: Mayor James L. Lowrance

PLEDGE of ALLEGIANCE:

ROLL CALL: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin.

MAYOR, COUNCIL and ADMINISTRATOR COMMENTS:

Introduction:

Police Reserve Officer – Raquel Zamora

APPROVAL of AGENDA:

CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.

1. Approve Council meeting Minutes of September 25, 2017.
2. Approve Bill List in the amount of \$1,482,598.05.
3. Resolution 2017-279 Approving Change Order #1 TIF District 4 Sidewalk & Ramp Repair Project SDW17002, an increase in the amount of \$1,734.10.
4. Resolution 2017-280 Approving Certificate of Completion and Final Project Costs for the TIF District 4 Sidewalk & Ramp Repair Project SDW17002, final cost of \$85,983.60.
5. Resolution 2017-281 Approving Change Order #1 Asphalt Mill and Overlay Project STR17003, an increase in the amount of \$90,092.26.
6. Resolution 2017-282 Approving Certificate of Completion and Accepting The Asphalt Mill and Overlay Project STR17003, with a final cost of \$1,047,287.46.
7. Resolution 2017-283 Approving Contract Change Order #3 for the Turner Street Force Main 59012009, a decrease of \$192,266.85.
8. Resolution 2017-284 Approving Engineer's Statement of Completion and Final Costs, Turner Street Force Main 59012009, in the amount of \$4,017,631.06.
9. Resolution 2017-285 Approving Certificate of Completion and Final Project Costs with A1A Sandblasting, in the amount of \$41,736, for painting of the Main Pool at the Marshalltown Family Aquatic Center Project PRK17005.

(end of consent agenda items)

PUBLIC HEARING – SSMID hearing canceled due to receipt of petition against proposal

RESOLUTIONS:

10. Resolution 2017-286 Supporting Iowa Great Places Grant Application for the Veterans Memorial Coliseum Project and Committing the Required Matching Funding.

Visit www.ci.marshalltown.ia.us

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.



11. Resolution 2017-287 Approving Revised City of Marshalltown City Council Manual, originally adopted January 1996. (distributed separately)
12. Resolution 2017-288 Approving a Contract with Swift Pork Company for Providing Confined Space and High Angle Rescue Response Services.

DISCUSSION:

13. Fixed Asset Policy
14. Purchasing Policy
15. Purchasing Card Policy
16. Strategic Plan 3rd quarter update

PUBLIC COMMENT:

ADJOURNMENT:

Visit www.ci.marshalltown.ia.us

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Advertising

T-R/12	1,412.58
UPS.Store/1	3,489.58

Consulting & Professional Fees

Bolton&Menk.Inc/1	8,694.50
CGA.Assoc/2	20,934.60
Grimes.Buck.Sch/3	5,436.00
IVCCD/1	1,875.00
Lynch.Dallas.PC/3	12,321.88
Nikkel.Associat/1	3,278.34
OLSSON.ASSOC/1	3,722.50
Prochaska.Assoc/1	29,376.50
TotalAdmin.Serv/1	1,548.12

Contracts

Aramark.Unfrm/5	68.10
ARL/1	4,333.33
A-Tec.Recycling/2	993.44
BDH/8	6,154.22
Cargill.Deicing/4	8,664.47
Cleanwy.Janitr/3	1,851.00
Construct/1	166,250.00
Electronic.Engr/4	738.80
EPS.Inc/1	1,300.00
Fisher.Comm.Ctr/1	6,396.66
IA.Dpt.Safety/2	2,874.00
IVCCD/3	9,787.33
Marsh.Co.Landfi/2	58.95
Marshall.Co. Em/1	2,419.08
Marshall.Co.Aud/1	2,500.00
MMIT.INC/2	93.80
Mtwn.Chamber/1	2,500.00
Mtwn.Indoor.Ten/1	120.00
MTWN.PARTNERSHP/1	500.00
O.C.L.C.Inc/1	893.32
ONSITE.INFO.DES/3	120.00
Premier.Equip/4	620.90
Racom.Corp/1	929.38
RICOH.USA.INC/4	131.80
Safety-Kleen/1	865.79
Schendel.Pest.C/3	119.50
Servicemaster/2	2,772.00
SIRSI.CORP/1	600.00
Sje.Rhombus/2	7,805.50
Sterling.Fire/1	72.50
Stone.Sanit/12	5,075.98
Treas.State.IA/1	0.95
Unique.Mgmt.Svc/1	241.65
Woodruff.Constr/1	77,500.05
Xerox.Corp/3	79.57
Zuercher.Techng/1	306.50

Debt Service

CRBT/2	8,707.57
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Equipment

Construct/1	6,410.98
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Library Books

Baker.Taylor/40	1,975.39
Baker.Taylor.En/1	65.22
BRODART.CO/11	664.05
Cengage.Learng/11	1,220.01
Classroom.Lib/2	330.00
Diamond.Lake/1	485.70
Findaway.World/1	3,516.19
MicroMarketing./4	674.83
OVERDRIVE,INC./3	510.59
Rainbow.Book/1	22.90
RECORDED.BOOKS/9	640.45
Medical	
SQUIERS,L/1	79.98
Weitzell,R/1	75.98
Wellmark.Inc./3	96,175.54
Payroll.Deductions	
American.Educa./1	64.41
AXA/2	450.00
Collection.Svs./6	1,734.58
Colonial.Life/1	397.02
Fidelity.Securi/2	389.45
I.R.S./6	89,906.95
ICMA.457/11	9,507.38
IUPAT.PPME/1	1,006.22
Meskwaki Nation/1	322.88
Teamsters238/2	2,202.52
Texas.Child.Sup/2	252.57
TotalAdmin.Serv/5	7,775.95
Payroll.Net	
Payroll/1	275,189.42
Refund/Reimbursed	
ADAIR,C/1	97.63
BAKER,J/1	15.00
Baker.Taylor/1	21.00
BECERRA-GONZALE/1	118.00
BRODART.CO/1	107.36
CITY.MARSHALLTO/1	(24.84)
CLOVER,M/1	14.99
COLLINS,D/2	30.00
CRONIN,C/1	16.00
GOODING.B/1	785.31
KLAAS,K/1	72.44
MARTINEZ,D/1	100.00
MENDOZA.AREVALO/1	80.00
MORFORD,L/1	25.00
NEEDHAM,A/1	15.00
TICE,J/1	25.00
TORRES,A/1	15.00
Treas.State.IA/5	251.99
VELAZCO,JUAN CA/1	200.00
VILEZ,T/1	16.95
Rents/Leases	
ABC.Rentals/2	514.00
Ackley.Housing/14	2,156.00
ALCALA,R/1	198.00

ALL.AMER.PROP/15	4,995.00
Altar.Proprty/1	191.00
Altringer,J/1	282.00
AMES,STEVEN/1	116.00
ARGUS.WOOKIE/1	283.00
Arlington.Inv/3	793.00
ARMSTRONG,B/1	205.00
B.B.Rentals/1	363.00
Bahr,L/1	478.00
Bluffwood.Partn/1	450.00
Borota,K/1	204.00
BOULDER.COOP.HS/2	870.00
BROWN,B/2	396.00
Chicago.Hsg.Aut/1	945.00
CIRSI/7	804.00
Citizen.Svgs.Ba/2	282.00
CLAWSON,J/1	245.00
CMHC.INVEST/1	332.00
Crestview.Apt/25	6,471.00
CROSSER,D/1	363.00
CROSSER,R/1	141.00
D.D.Rentals/2	375.00
DELGADILLO,L/1	700.00
Eakin,R/1	226.00
ECKLOR,S/3	944.00
Elwayne.Inc./2	555.00
EUBANKS.PROP/4	1,101.00
F.C.Rentals.LLC/2	511.00
Farrell.Proper/5	1,083.00
FISCHELS,R/3	576.00
Frese.Propts/2	893.00
FRIEND,T/1	236.00
Friendly.Apts/4	599.00
Gladbrook.Hsg/1	182.00
Glenda.Drive.LL/8	2,799.00
Grant.Park.LLC/23	4,694.00
Hala.Ventures/3	811.00
HANSEN,J/1	253.00
HANSEN,R/1	156.00
HARRIS,T/1	324.00
HATCH,J/3	1,094.00
Hatch,R/2	1,201.00
HAVELKA,B/1	500.00
Hilltop.Village/10	1,736.00
HOWARD,J/1	175.00
Hsg.Auth.CookCo/2	1,429.00
Hsg.Auth.Joliet/1	906.00
HUBBARD.MAPLE/5	435.00
JARED,S/3	595.00
JASPERS,M/1	128.00
JBI.COOP.Assn/5	930.00
JKM.Coop/2	385.00
JN.Home.Rentals/1	415.00
Kramer,M/1	349.00
LAWSON,R/2	342.00

Lawthers.Prop.M/2	970.00
LUENSE,B/6	1,925.00
MANNSON.PROP/2	326.00
MARION.MANOR/1	246.00
Marion.Manor.II/1	194.00
Marshalltown.Sr/9	1,850.00
MATNEY,L/1	264.00
Miss.Hsg.Author/1	555.00
MtownWestownLLP/18	3,589.00
MURPHY,M/1	159.00
MURPHY,P/1	472.00
NAUGHTON,R/1	825.00
North.Tama.Hsg/3	425.00
OETKER,D/3	570.00
Oetker,J/1	471.00
OLBERDING.PROP/2	916.00
OLMSTEAD,T/1	900.00
Palisade.Holdng/1	155.00
Park.Elms,LLC/5	1,207.00
Pinecrest.Park/1	141.00
Polley,M/1	502.00
Prairie.Home.Pp/1	261.00
Premier/4	693.00
PYLE,D/1	224.00
R.E.P.Corp/2	738.00
RA.Rental/1	369.00
REM.Homes/1	507.00
River.Birch/10	3,769.00
River.Oaks/9	3,481.00
S.E.Invst/1	274.00
Sands.Time.LLC/1	250.00
SCENIC.CITY/1	199.00
SCHMIDT,M/5	964.00
SCHULER-VANLANG/1	260.00
SCOTT,L/1	358.00
SE.COOP.HSG/1	206.00
SESKER,R/2	655.00
SMITH,N/3	527.00
Soltero,W/1	159.00
SPECHT,G/1	468.00
Squire,B/1	264.00
STEELSMITH,INV/6	1,379.00
Stichter.Constr/1	139.00
Sunrise.Apt/2	142.00
Superior.Rental/5	1,871.00
Swan.Estates/1	356.00
SWITZER RENTAL/3	788.00
Tallcorn.Tower/16	4,044.00
TAYLOR,M/1	216.00
TOWN.APARTMENT/5	646.00
TREVRON,LLC/1	310.00
TT&C.COOP.HSG/2	506.00
VEST,L/2	321.00
VILLAGE.PARK/1	403.00
WARREN,C/1	226.00

Waterloo.Housng/2	556.00
WB.REALESTATE/1	251.00
WEATHERLY,PROP/2	790.00
WEIDNER,R/1	226.00
WIEBENSOHN,L/1	105.00
WIND-HUSAK,D/1	399.00
Service/Repairs	
Alfie.Packers/1	285.00
AM.MRKTG.PUB/1	695.00
A-Tec.Recycling/2	116.84
Atkins,T/1	27.00
Bates,C/1	46.00
Bob's.Lawn.Care/1	980.00
Boulder.Contrac/1	77,241.34
Carmer,D/1	12.00
CARRIGAN,K/1	37.00
Carter,G/1	9.00
Century.Link/22	268.87
Chicago.Hsg.Aut/1	36.31
CHUOL,N/1	13.00
CITY.MARSHALLTO/8	52.71
Construct/1	198,727.84
DeSautels,S/1	50.00
Devig.Srvcs/1	595.90
Dirt.to.Turf/3	1,015.00
FEAGAN,C/1	40.50
FedEx/7	428.67
Freeman,A/1	34.00
Gale-Hazen,E/1	30.00
Gale-Hazen,K/1	142.50
Gbala,R/1	7.00
Hibbs,R/1	275.00
Hsg.Auth.CookCo/1	69.16
Hsg.Auth.Joliet/1	36.31
Kiwanis.PM/1	660.00
KROENER,L/1	50.00
KRUEGER,W/1	1,500.00
Larry.Towing.Ti/1	60.00
Ledford.Tree/1	1,145.00
Lenz,L/3	230.00
M.Co.Recorder/6	92.00
McAtee.Tire/4	419.48
Miss.Hsg.Author/1	36.31
Mtwn.Wtrwrks/4	12,967.28
NAN.MCKAY.ASSOC/1	224.00
Neave,G/1	37.00
POTTERKENYON,M/1	125.00
Racom.Corp/1	56.65
RECORD.AUTODOOR/1	475.50
Sandry.Fire.Sup/9	594.28
Scharnweber.Wtr/1	27.00
SCHOSSOW,J/1	8,500.00
Scott.Tent/4	1,524.00
Scroggins,J/1	69.00
Ship.Shape.Lawn/1	100.00

STREET-LOPEZ,J/1	47.00
Tele.Difference/1	80.00
THOMPSON,J/1	300.00
Tom.Blake.Const/15	22,700.00
Treas.State.IA/2	29.00
US CELLULAR/6	275.93
US.Bank.Equipmt/1	346.48
VF.Services/21	15,050.00
Waterloo.Housng/2	72.62
Weblinx/2	3,775.00
Windstream/1	76.44
WOOD,A/1	42.00

Supplies/Parts

Arnold.Motor.Su/5	164.68
Axon.Ent/1	118.26
Baker.Taylor/13	479.77
Barco.MuniProd/1	813.82
BDH/8	1,577.04
Bert.Gurney.Asc/1	4,108.37
Bituminous.Mat/4	3,080.88
Brown.Shoe.Fit/3	242.99
Carpenter.Unfrm/5	1,210.35
Cessford.Constr/1	340.75
Chamber.Commerc/1	750.00
CITY.MARSHALLTO/3	41.79
Cntrl.IA.Distr/4	566.50
Cntrl.Office/1	24.52
DEMCO.INCORP./9	651.98
Diamond.Vogel/2	323.09
Environ.Hazards/1	94.25
Environ.Resourc/1	359.46
Fastenal.Co/2	39.17
Galls.LLC/5	205.64
Gervich.Sons/2	89.10
Gillig.LLC/2	732.66
Hillers,C/2	184.15
Hotsy.Cleaning/1	100.00
Keystone.Lab/1	70.00
Kirkwood.Colleg/4	220.00
Larry.Towing.Ti/1	60.00
LTron.Corp/1	658.00
Marshall.Co.Ext/2	350.00
MATTOX,L/1	175.00
MC2.Inc./1	6,888.26
Midland.Concret/1	1.17
Midland.Scienti/3	263.51
Midwest.Safety./3	511.79
Minuteman/2	224.95
Mobotrex.Inc./1	2,740.00
Napa.Auto/8	199.88
Proquest.Info/1	932.00
Racom.Corp/2	1,337.50
RECORDED.BOOKS/1	2,000.00
Safe.Kids.Iowa/2	1,424.05
Sign.Creations/1	170.00

Storey.Kenworthy/2	85.11
Streichers.Inc/1	169.00
TACTICAL.MEDICA/1	308.56
Traffic.Control/1	4,050.00
Van.Meter.Inc/1	1,599.23
WICKHAM,M/1	30.00
Witmer.Public.S/1	51.98
WW.Grainger/1	883.00
Zuercher.Techng/1	250.00
Travel/Training	
CHANDLER,J/1	35.49
I.L.E.A./3	6,690.00
Kinser,J/1	362.88
Lazenby,K/1	92.90
Petermeier,J/1	25.97
Steiner,D/1	49.37
Treas.State.IA/1	9.83
VAUGHN,R/1	61.23
Utilities	
ALLIANT/IPL/77	64,899.47
I.R.U.A./1	148.92
Mtwn.Wtrwrks/1	69.13
Total/1007	1,482,598.05

COUNCIL MANUAL

REVISED AUGUST 2012

Includes Resolution 2012-178, August 13, 2012,
re: Meeting Conduct in absence of Mayor and Mayor Protem



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SECTION I. CITY GOVERNMENT STRUCTURE

A. CITY COUNCIL

The Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected Council, which approves the budget and determines the tax rate, for example. The Council also focuses on the community's goals, major projects and such long-term considerations as community growth, land use development, capital improvement plans, capital financing and strategic planning. The Council hires a professional manager to carry out the administrative responsibilities and supervises the manager's performance.

The role of a Council member is similar to being a member of the Board of Directors of a large business. Council members are a part of the management team that oversees the City business operations. The Council provides a focal point, or the conscience of the community. It is not the job of Council members to become directly involved in the daily operations of the City. The City Administrator and the Department Directors are responsible for overseeing the implementation of services. The Council sets the level of services and the policies by which the City operates.

B. MAYOR

The Mayor represents the City at public and ceremonial occasions and carries out a variety of other municipal responsibilities. The Mayor chairs all meetings of the Council. The Mayor also has veto powers as established by Iowa Code. The Mayor appoints all board and commission members as provided for in Section II of these rules. The roles of these committees are detailed in Section V.

C. CITY ADMINISTRATOR

The City Administrator is the chief administrative officer for the City, and oversees the day-to-day operations of the City. He or she is responsible for implementation of all policy decisions of the City Council and the enforcement of all City ordinances. The City Administrator appoints with approval of the City Council and directly supervises the directors of the City's operating departments and the City Clerk. The City Administrator oversees the administration of all City contracts, execution of public improvements, and the construction, improvement and maintenance of all City properties and facilities. In cooperation with the City Finance Director, the City Administrator prepares the annual budget and submits it to the City Council for consideration and approval consistent with State law, and presents recommendations and programs to the City Council (see Council Rule 36-1). The City Clerk's Office, Technical Services and Information Technology are part of the City Administrator's Office. Information Technology is responsible for the operation and maintenance of the City's in-house on-line computer system in addition to the development of new computer applications. Technical Services is responsible for compliance with employment laws and regulations; coordinates the application process for all staff positions on behalf of the City; and maintains information on civil service position requirements, employment contracts, compensation and City employee benefits, including health insurance, vacation and sick leave.

D. LEGAL

The City Attorney services are now being contracted. The City Attorney represents the Municipal Corporation of the City of Marshalltown, Iowa, in all legal affairs including but not limited to litigation, appeals, prosecutions, contracts, personnel, economic development, environmental protection and remediation, collections, land use, health and safety, civil rights, ordinance drafting, and other related issues and matters. The City Attorney can also act as a legal advisor on official business to all City officials, boards, and commissions.

E. CITY CLERK

The City Clerk is charged with custody of deeds, contracts and abstracts. The City Clerk is responsible for publishing, certifying and authenticating all ordinances. The Clerk publishes public notices, ordinances, resolutions and minutes as required by law and assists staff and public in researching information. The Clerk's office handles general accounts receivable billings, payment of parking tickets and issuance of City licenses and the Clerk is the contact for State liquor and cigarette licenses. The Clerk's office provides required services for city elections and is the custodian of the City Seal.

F. FINANCE DEPARTMENT

The Finance Department is responsible for the general supervision of all City financial matters, including preparation of the City's Financial Plan (budget), centralized accounting and billing functions, payroll and purchasing. The department manages the City's investment portfolio and its risk management program. The department's staff handles accounting, purchasing and treasury. The Finance Director is charged with custody of all official bonds of City Employees.

Accounting services include the preparation of the annual financial report, working with auditors, payroll processing, accounts payable processing, and federal and state grants accounting and compliance. As City Finance Director, the director of the Financial Department is responsible for managing the City's fiscal activities and systems, direction of budget planning, and revenue collection.

G. FIRE DEPARTMENT

The Fire Department minimizes the risk of injury, loss of life and property from fire, rescue, medical emergency, hazard material incidents, or disaster. In addition to providing a timely response to emergencies, the Fire Department also promotes public safety through preventive activities such as public educational programs and code enforcement. The Fire Chief, as department director, directs and manages overall Fire Department services and activities.

H. HOUSING - ZONING DEPARTMENT

The Housing and Zoning Department is responsible for general housing issues which include housing development, assessment of housing needs, landlord/tenant responsibility issues, and the distribution of information regarding the availability of both rental and owner-occupied housing and for the administration of the HUD Section 8 Rent Assistance Program. As Administrator of the HUD Section 8 program, the housing/zoning staff accepts and reviews applications, verifies income eligibility for applicants, and enforces program regulations.

The department also administers the zoning and subdivision ordinances, the front yard parking ordinance, the rental housing inspection program, code enforcement and the legislation regarding home occupations. Housing/zoning staff provides support services for the City's Plan Zoning Commission, Board of Adjustment, Site Plan Review Board and the Enterprise Zone Commission. The zoning officer reviews building permits for compliance with zoning laws, and reviews development proposals submitted to the City to assure compliance with city codes and the comprehensive plan.

I. LIBRARY

The Library is governed by the Library Board of Trustees, a semi-autonomous body of seven persons empowered by State law and City ordinance. The Mayor, with the City Council's approval, appoints six city residents to six-year terms and one rural Marshall County resident, with the Marshall County Board of Supervisors' approval, to a six-year term. The Library Director is appointed by the Library Board of Trustees. The Library is divided into the following departments: Administrative, Technical, Circulation, Reference and Youth Services.

J. PARKS & RECREATION

The primary purpose of Parks & Recreation is to provide open space and parks for the residents of Marshalltown. The Parks division is responsible for maintaining City parks, City dikes, bike trail, as well as numerous other green spaces. Park division employees also assist other departments and divisions with maintenance and construction projects.

The Recreation division is responsible for providing a variety of leisure time activities to all ages. The division is responsible for scheduling the recreational facilities such as Coliseum, Ball Diamonds, & Tennis Courts. The division oversees operation of the Aquatic Center.

Parks & Recreation is involved in the maintenance of city-owned trees. It also advises residents regarding planting trees and shrubs in street rights-of-way, and creates landscaping for city parks. In addition, the department provides general information to the public concerning city trees and landscaping.

K. POLICE

The Marshalltown Police department is committed to the impartial enforcement of laws, statutes and ordinances relating to crime prevention, apprehension of offenders, traffic control, and investigations of traffic accidents and wrongdoers in the community. The Police Chief is the primary point of contact for council members and will provide periodic reports to the Council regarding activities within the police department.

The Department is comprised of Police Administration, Patrol Division, Investigation Division, Special Services Division, the Communications Center (a joint county and city facility), and the Police Reserves. Additional services provided include parking control through a part-time non-sworn parking officer.

The Department provides 24 hours a day police protection through marked and unmarked police patrols, foot patrols, and bicycle patrols. Council members are invited and encouraged to periodically ride with uniform officers on patrol as an orientation to police operations. Additionally, the department has police dogs. The dog and handler routinely work nights or evenings and supplement the normal shift. The police department also participates in a multi-county, multi-city drug enforcement task force.

L. PUBLIC WORKS

The Department of Public Works is comprised of several divisions, which operate from various locations in the City. This department includes Engineering, Compost, Streets, Transit, and Utility (electrical inspection, traffic signals, street lights). The Department works on improvements of all municipal public works, including roads, bridges, and sanitary and storm sewers. Engineering staff reviews plans, performs survey work, drafts construction plans, and inspects new construction for all public works projects. The Utility division maintains traffic signals and City-owned street lighting systems. Utility Division staff issue electrical permits and inspect electrical work of contractors and residents. The Streets Division is responsible for maintaining the City's streets, alleys and bridges. The Transit Division offers a variety of public transportation services.

M. WATER POLLUTION CONTROL PLANT

The Water Pollution Control Plant (WPCP) has the capacity to collect and treat 13 million gallons of wastewater daily and works with industries on wastewater discharge to the City. The Sewer division plans, schedules and performs maintenance work for storm and sanitary sewers.

N. EMERGENCY MANAGEMENT

The County Emergency Management office coordinates, directs and administers emergency planning and preparedness, and response and recovery activities for Marshall County. Its offices are located in the lower level of the Police Department. This agency responds to emergencies and provides emergency management expertise to the incident commander(s) of emergencies. It also supervises and coordinates emergency management training programs for governmental agencies and other organizations upon request. The City has specific emergency procedures set out in a separate plan and established in the Municipal Code.

O. WATER BOARD

The Marshalltown Water Works Board of Trustees is in charge of setting the Policy and Regulations by which the Utility operates considering all Federal and State regulations. The Treatment Plant can treat 12 million gallons per day to 147 miles of water mains to 10127 customers who are billed bi-monthly except larger users who are billed monthly. The utility contracts with CIRWA to provide treated water to parts of 13 counties and 30 other small communities in central Iowa.

SECTION II. BOARD, COMMITTEE & COMMISSION APPOINTMENTS

Candidates/applicants for appointment to boards, committees and commissions can be identified by referral from residents of the city/community. Applicants are asked to use the application form, available in the City Clerk's Office to provide interest and background information. This application form is also available at the City of Marshalltown's website at www.ci.marshalltown.ia.us.

AREA OF INTEREST:

When a board, committee or commission is established by the City Council, the specific duties of the group are set forth in the ordinance or resolution that creates it. It is implicitly understood that the advisory body is limited to consideration of those matters, which are specifically assigned to its jurisdiction. In special or unusual circumstances, if the area of interest spreads beyond the area of jurisdiction, the board, committee or commission should formally request specific authorization from the City Council to consider the matter and to formulate recommendations in that area.

Similarly, in the case of ad-hoc committees appointed by the Mayor or City Administrator, the advisory committee or board should formally propose enlarging its scope and purpose to the appointing city official(s).

CONFLICT OF INTEREST:

To determine whether an applicant has a conflict of interest, the applicant is referred to Chapters 362.6 and 403A of the Code of Iowa. Assistance is available from the City Attorney's office if applicants have questions about this matter.

DESIRABLE QUALITIES:

Members of boards, committees and commissions should be independent of the City Council, or other boards, committees & commissions, and of other governmental units, so they may exercise unbiased judgment in addressing the tasks and issues before them.

MEMBERSHIP RESTRICTIONS:

It is the City Council's policy that the following persons shall not be eligible for appointments to, standing boards, committees or commissions of Marshalltown:

Spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, stepmother, stepfather, stepchild, aunt or uncle of a current City Council member;

A current member of a comparable County board, committee or commission, unless dual or joint memberships are provided for in the ordinance, resolution or statute, which creates the board, committee or commission to which appointment, is being made.

The Mayor may appoint advisory boards or committees for special purposes without adherence to membership restrictions.

APPOINTMENTS:

Appointments on boards, committees or commissions are announced by the Mayor at regular City Council meetings. Applications for these appointive positions are available at the City Clerk's office and the City of Marshalltown website. The completed applications are reviewed by the Mayor who recommends appointees to the Council. Final appointment is made by an affirmative vote of a majority of the City Council.

ATTENDANCE OF MEMBERS OF ALL BOARDS AND COMMISSION

Attendance of Board and Commission members will be reviewed on a quarterly basis by the staff member who works most directly with any Board or Commission. If attendance of any member is at a level of less than 75% for two consecutive quarters, the staff member will report that attendance to the member and to the Mayor. If attendance of any member is at a level below 60% in any four consecutive quarters (or over a span of six or more meetings for groups which meet fewer than six times annually), the Mayor will request a resignation from that member unless there were extenuating circumstances, outside the control of the member, which were reported to the staff member prior to the absences. If a Board or Commission has been unable to conduct business at more than one scheduled meeting in the previous year due to lack of a quorum, the 60% requirement will be enforced regardless of extenuating circumstances.

COUNCIL & COMMISSION EFFECTIVENESS:

The City Council and all appointed advisory boards, committees and commissions are policy-oriented groups. The advisory groups operate as satellite units, which focus on particular concerns, issues or problems in the community. When an advisory board, committee or commission has an item on a City Council meeting agenda, it is recommended that a representative from that body be present at the Council meeting. Similarly, when a member of any board, committee or commission addresses the Council at a public meeting, he or she should always clearly state whether he or she is speaking on behalf of the advisory group or as an individual.

COMMUNICATIONS BETWEEN STAFF, COUNCIL AND ADVISORY GROUPS:

The City Hall administrative staff report to the City Administrator and it is the Administrator's responsibility to direct and allocate staff time. Similarly, Council, Board, Committee and Commission members schedule their meetings so that City staff may be available to carry out day-to-day business. The City Administrator will assign staff liaisons to assist boards, committees and commissions as necessary. Boards, Committees and Commissions meet regularly and, as a group, present their issues and concerns to the City Council as a group, through reports and recommendations.

Advisory groups will consider the recommendations and proposals of the City Administrator and City staff. If the board, committee or commission is not in agreement with the recommendations of the City staff, the City Administrator has the option of including his recommendation in his report to the City Council. Any differences of opinion may be discussed at the Council meeting.

SUB-COMMITTEES:

In certain instances, a board, committee or commission may determine that it is necessary to form a sub-committee to study in detail a particular aspect of a matter relating to that body.

A sub-committee may be formed by a majority vote of the board, committee or commission members taken at a regular meeting. The sub-committee shall not be comprised of a majority of the members.

Appointments to the sub-committee are made by consensus of the board, committee or commission.

The sub-committee should be disbanded after completion of a particular study and recommendations have been presented to the board, committee or commission.

ROLE OF CHAIRPERSON:

The role of the chairperson of a board, committee or commission consists mainly of ascertaining the responsibility of his or her advisory body and to limiting the discussion and deliberation to appropriately assigned areas of responsibility.

The chairperson facilitates and guides the advisory group discussions in a logical and orderly manner. The chairperson should clarify ideas as they are discussed and should repeat motions made to ensure that all members understand the wording of the item on which they are voting.

Each board, committee and commission is comprised of a diverse group of people, and it is inevitable that not everyone will agree on every issue all of the time. Every effort should be made to maintain amicable business-like relations among the individual members; personality conflicts only hamper the effectiveness of the group. In the event that a conflict of personalities does arise between members, it is the chairperson's responsibility to mediate and try to resolve the problem. If the matter cannot be resolved at that level, then the chairperson should seek assistance from the City Administrator.

CONFLICT RESOLUTION:

Every effort should be made to maintain a mutually courteous and respectful rapport between staff, Council and advisory groups to facilitate the effectiveness of all concerned. However, should a conflict arise between an individual group member and the staff, that individual should approach the board, committee or commission chairperson who will try to mediate the conflict. Such matters of conflict should be brought to the attention of the Mayor and/or City Administrator.

INTERACTIONS WITH CITY COUNCIL- RECOMMENDED PROCEDURAL GUIDELINES:

The City Council considers input and recommendations from a variety of sources in the decision-making process. Therefore, the Council may not always follow the specific recommendations of any one particular board, committee or commission in adopting policy or procedure. Once the Council has established its position, members of advisory groups may continue to have reservations or individual objections. As representatives of the larger group, however, members should remember that they are expected to act in a manner consistent with the established policy and/or program as approved by the City Council.

COUNCIL POLICY ON LEGISLATIVE ISSUES:

The City Council is responsible for establishing City policy and determines any public position of the City on legislative matters. Public stands on legislation taken by boards, committees or commissions will be taken only upon review and approval by the Council.

This policy should not prevent advisory groups from carrying out their normal functions publicly and openly, rather, its purpose is to establish that boards, committees and commissions do not issue policy statements or take public positions which fall within the purview of the City Council.

SUBMITTING A FORMAL REQUEST FOR CONSIDERATION BY THE COUNCIL-PROCEDURE:

In the event that a board, committee or commission wishes to request the endorsement or approval of a particular position from the Council, the request should be clearly reflected in the record of the board, committee or commission meeting at which the action is approved.

The board, committee or commission's secretary or staff liaison should immediately submit a written request in letter form, addressed to the City Council, with a copy to the City Administrator's office for inclusion on the next Council committee or City Council agenda. In the interim, copies of the request will be made available to all Council members so that informal discussion, if deemed necessary and appropriate by the Council, can take place. The communication should include an indication of the degree of urgency, which is perceived as necessary for obtaining a response from the Council.

RELATIONS WITH THE PUBLIC:

Council and members of appointed boards, committees or commissions are encouraged to maintain awareness of public opinion relating to their field of influence. Citizen input should be welcomed and heard at meetings, and members should be considerate of all interests, attitudes, and differences of opinion. Members should be vigilant about maintaining not only the appearance, but also the principle of impartiality.

CONFLICTS OF INTEREST:

In the event that a member of the Council determines that he or she has a direct, definite (demonstrable) conflict of interest regarding an issue before the Council, that conflict should be clearly stated at the beginning of council deliberations. Having a conflict of interest may or may not prevent the Councilor from expressing an opinion on the matter being discussed under the person's judgment; however, voting would be inappropriate and may have legal consequences.

The matter of what constitutes a "conflict of interest" is often misunderstood and misstated. Obviously, people elected to public office are frequently motivated to seek office by virtue of their personal contact with government and an interest in what develops thereafter. The mere fact that their lives may be affected by a decision to be made does not mean that they have a conflict of interest. To be a conflict of interest, something direct, definite and capable of demonstration must be involved; it cannot be simply a remote possibility.

A relevant Iowa Attorney General's opinion concerning what constitutes a conflict of interest, based upon a pecuniary or an employment interest with a city is available for review in the City Attorney's Office. Again, what constitutes a conflict of interest is the frequent subject of litigation and legal opinion. Whether a conflict of interest exists can only be determined by applying the individual facts to the law.

Another matter arises from time to time, which may create the impression of a conflict of interest. Every Councilor, the Mayor and many City employees are solicited to join such organizations as the Chamber of Commerce, MEDIC, etc. Participation in these organizations results in an exchange of valuable information and views. Nevertheless, when one of the organizations takes a position in favor of or in resistance to a proposal, at the very least the impression of a conflict of interest exists. It may appear to the layperson that membership in the organization involved would create a conflict. Organizations do not exist independent of their members but only exist because they do have members. While membership might be avoided, attendance at meetings and gatherings to exchange ideas and obtain information is certainly appropriate. A case can be made that a Councilor would have a conflict of interest while he or she is a member of an organization, which appears before the Council and takes an official position on an issue.

City officers or employees are restricted by Iowa Code Section 362.5 with regard to direct or indirect benefits they may receive from any contract performed for the City. That code section provides as follows: "A city officer or employee shall not have an interest, direct or indirect in any contract or job of work, or material, or the profits thereof, or services to be furnished or performed for the officers or employees of the City. A contract entered into in violation of this section is void."

GIFTS:

The State of Iowa has set forth laws concerning gifts to local public officials, which includes persons appointed to local boards, committees and commissions, but not those of purely advisory intent. The official description of a "gift" is: "Anything of value given by a person doing, or seeking to do business with a public agency, within the donee's (recipient's) jurisdiction". The law bans all gifts received from those who might otherwise benefit, except food or drink having a value of \$2.99 or less per calendar day. Violation of this law is considered a "serious misdemeanor".

The City Council feels it is important to recognize special achievements among its citizens and employees. For that reason the Council has authorized the purchase of plaques, certificates and memorabilia for the purpose of distinguishing special service. City staff is authorized to purchase such materials as necessary to carry out this policy.

If you have any questions regarding the above matter, please contact the City Attorney's Office. The gift law is covered in the Iowa Code Chapter 68B

PUBLIC RECORDS:

Availability of public records is governed by the Iowa Open Records Act and the Federal Freedom of Information Act.

CLARIFYING THE OPEN RECORDS LAW:

Q. What is a public record under Chapter 22 of the Code of Iowa (Open Records Law)?

A. Section 22.1, Subsection 3 of the Iowa Code provides that public records include all records, documents, tapes or other information stored or preserved in any medium, of or belonging to the City. Records relating to the investment of public funds, such as investment policies, instructions, trading orders and contracts also constitute public records.

Q. Who supervises the records of the City?

A. Generally speaking, the City Clerk is the lawful custodian of the records of the City. The City delegates the responsibility of implementing the requirements of the Open Records Law to particular officials or employees and publicly announces to whom this responsibility has been delegated.

Q. Who has the right to look at City records?

A. Every person has the right to examine, copy, publish or otherwise disseminate information contained in public records if not otherwise confidential by law. This includes the right to make copies of the records while they are in the possession of the lawful custodian.

Q. When and where can a person look at the records?

A. Examination and copying of the records shall be done under the supervision of the lawful custodian, who may adopt and enforce reasonable rules regarding such work and the protection of records against damage or disorganization. The records can be examined or copied subject to the custodian's rules during the customary office hours of the custodian. City holidays may or may not correspond to legal holidays, so it is possible that records may be examined and copied on some legal holidays and by rule may not be available for examination or copying when the custodian of the record is observing a City holiday.

Q. Can the City charge fees for these services?

A. The custodian of the public record will provide a suitable place for such examination and copying, but if it is impracticable to examine and copy the records in the office of the custodian, the person desiring the records must pay any necessary expenses to provide a place for such work. The custodian may charge a reasonable fee for services in copying and supervising the records during the work. If copy equipment is available at the custodian's office, the custodian will provide a copy to the person upon payment of a fee, which may not exceed the cost of providing the service.

Q. Will the City provide access to electronic records?

A. A public record will not be withheld from the public simply because it is combined with data processing software. The City establishes policies and procedures to provide access to these records. The City may also establish payment rates and procedures regarding access to data processing software in compliance with Section 22.3A of the Code.

Q. Are all records of the City open to public inspection?

A. Certain public records will be kept confidential unless otherwise ordered by a Court or by the lawful custodian. Under the Iowa Code, there are numerous categories of confidential records, including but not limited to, personal information in confidential personnel records of the City, work produced by the City Attorney in relation to litigation or claims made by or against the City, criminal identification files of law enforcement agencies (excluding records of current and prior arrests and criminal history data) and, prior to public announcement of a project, appraisal information concerning the purchase of real or personal property for public purposes. Individual payroll information concerning sick leave pay and other benefits, including dates taken and hours accrued, is not necessarily a public record. The information disclosed, if a public record, cannot reveal personal medical conditions, professional evaluations, addresses, gender or birth dates.

Certain records of a city utility will be kept confidential to comply with the law. This includes proprietary information, records associated with marketing or pricing strategies, preliminary working papers, spreadsheet scenarios and cost data if their competitive position would be harmed by public disclosure not required of competitors and if no public purpose would be served by such disclosure. However, when public disclosure would no longer harm the utility's competitive position, the records will become available for examination and copying.

Summary

Generally speaking, most documents located at City Hall are considered public records. However, there are numerous exceptions to this rule. Iowa Code Section 22.7 sets out one list of records that are considered confidential. Individual requests are examined and handled on a case-by-case basis, based upon the applicable provisions of law included in Iowa Code Section 22.7. A copy of Iowa Code Chapter 22 is included in this binder. Again, what is a confidential or a public record is frequently the subject of litigation. For example, the case entitled *Sioux City v. Greater Sioux City Press Club, et. al.* (Filed, Iowa Supreme Court, April 13, 1988: concerned the confidentiality of job applications. This case was litigated because Iowa Code 22.7(18) is so generally stated that a Court decision was required. Because of the varied kinds of documents generated by government, it is impossible for a single statute to list each and every kind of document. Therefore, general areas of confidentiality exist and the Courts are, from time to time, called upon to determine if a specific document falls within one of these general confidential categories.

Confidential memoranda may occasionally be circulated to Council members, the Mayor and City Administrator. These memoranda frequently involve matters of personnel, which are either in litigation or could result in litigation. The contents of confidential memoranda are to be kept confidential and the memoranda are not to be circulated to anyone other than the Council members, Mayor or City Administrator. In addition, the content of these documents is not to be repeated.

Occasionally, Council members are asked by citizens to obtain information for them. It is appropriate to make a charge for the copy expenses to these citizens even though Council members are requesting information directly. Please be certain that individuals making requests understand that there will be a charge for copies.

SECTION III. RULES AND ORDER OF BUSINESS OF THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA

Rule 1. MEETING TIME:

The Council shall meet in regular sessions at 5:30 P.M., local time, on each and every second and fourth Monday of the month, except when the regular meeting date is a holiday, in which event the meeting will be held at noon on the next day.

Rule 2. SPECIAL MEETINGS:

Special meetings of the City Council may be held at any time, upon written notice of at least three Council members or upon written notice of the Mayor. Notice of special meetings will be in writing, signed by the three members of the Council or the Mayor. Notice shall be sent to each member of the Council and to the Mayor. There will be a \$500.00 fee for special meetings called for public matters.

Rule 3. MEETING PLACES:

Meetings of the City Council will be held in the Council Chambers at City Hall, Marshalltown, Marshall County, Iowa, unless otherwise provided for in the meeting notice. All meeting calls, notices and agenda shall be given or prepared in accordance with the statutes, laws and ordinances pertaining to same.

Rule 4. QUORUM:

A majority of the members of the Council shall constitute a quorum and no business shall be conducted without a quorum.

Rule 5. CONDUCT OF MEETING - AGENDA:

The Mayor shall be the chairperson and presiding officer (or the Mayor pro-tem in the absence of the Mayor, or the most senior and long-standing member of the Council then present and available) ¹and shall conduct the regular meeting in the following order:

Call to order.

Pledge of Allegiance.

Roll call.

Roll will be called in rotating alphabetical order.

Approval of the minutes.

Comments: Mayor, Council, Administrator

Comments by the Mayor, Council and City Administrator that are informational, explanatory or educational and that do not require any action, such as announcements of events, welcoming special guests or recognition of an achievement.

¹ Resolution 2012-178, August 13, 2012.

Adoption of the agenda.

Once adopted by the Council, the business of the meeting will follow the printed agenda and all matters will be taken in the order thereof. After adoption, the agenda cannot be changed except by a two-thirds vote of the Council members present.

Consent agenda.

The consent agenda shall consist of non-controversial items that will be listed thereon such as, but not limited to, refunds, appointments, department reports, applications, and communications not requiring action. The items comprising the consent agenda will be furnished to each member, the Mayor, the City Administrator, City Clerk and City Attorney and will not be considered individually but will be adopted on one motion. Council members or the Mayor may decide to have any of these items considered individually on the agenda.

Special committee reports.

Any special committee reports shall be taken in alphabetical order.

Communications.

Items of general importance that request Council action or an opportunity to address the Council.

Resolutions.

After discussion by the Council, a resolution may be addressed by a member of the general public upon the same conditions as provided under public comments. A resolution that pertains directly to another item of business may be placed with that item on the agenda. A resolution that requires a public hearing will be placed first in order of resolutions being considered. The five-minute rule noted in Paragraph L below will apply to all comments.

Ordinances.

After discussion by the Council, a member of the general public may address an ordinance, upon the same conditions as provided under public comments. An ordinance that requires a public hearing will be placed first in order of ordinances being considered. The five-minute rule noted in Paragraph L below will apply to all comments.

Public comments.

Comments made by members of the general public on any item not in the agenda. The proposed speaker shall, after being recognized by the chair, approach the microphone, state his or her name and address and should limit his or her comments to five minutes. The speaker shall direct comments to the chair and the council as a whole. The chair may increase or decrease the time allotted to each speaker, unless the time limits imposed by the chair are overridden by a majority of the Council members present. No formal action of the Council shall be taken pursuant to public comments.

Adjournment.

Rule 6. AGENDA PREPARATION.

Agenda Deadline:

No business may be submitted for placement on the agenda for a regularly scheduled council meeting after NOON (local time) of the 4th day (Thursday) prior to the meeting day. Items for the agenda may be submitted by the Mayor, any Council member, Council committee, City Administrator, City Attorney, Department Director and the City Clerk.

Agenda Preparation

The Mayor, City Administrator and City Clerk are responsible for preparation of the agenda. All agenda items shall be submitted to the City Clerk by the agenda cutoff time set forth above

Withdrawn items

No item submitted for the agenda may be withdrawn after the agenda cutoff time except by consent of a majority of the Council present at the meeting to which the agenda is submitted. Any item may be withdrawn before the agenda cutoff time by the party submitting it, but if it is submitted by a committee, it may only be withdrawn with the consent of a majority of that committee.

Rule 7. PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by the Mayor without debate.

Rule 8. ORDER AND DECORUM.

The Mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council.

Rule 9. RULE ENFORCEMENT

The Mayor as the presiding officer has the responsibility of enforcing these Rules and Order of Business. Any council member who believes that the Mayor or the presiding officer in absence of the Mayor, is failing to do so, at the time the breach occurs, may call attention to it, by making a Point of Order. A Point of Order has the effect of requiring the presiding officer to make a ruling on the question involved or to enforce the council rule.

Unless otherwise specified by law or these rules, all business will be conducted by majority rule of those present and voting.

Any two council members, by a motion and a second, have the right to appeal from the decision of the presiding officer, regarding the parliamentary ruling. The parliamentary ruling is then taken from the presiding officer and presented to the council members for a vote for the final decision.

If a council member believes that the ruling of the presiding officer is proper, but would like to change the ruling, the appropriate motion and second would be for a temporary suspension of the Rules under Rule 41.

Rule 10. PUTTING THE QUESTION.

While the Mayor is putting the question, no Councilor shall engage in conversation, walk across or out of the room.

Rule 11. RECOGNITION BY MAYOR PRIOR TO SPEAKING

Every Councilor, prior to speaking, shall address the Mayor and shall not proceed with remarks until recognized by the Mayor.

Rule 12. TWO OR MORE SPEAKERS AT ONCE

When two or more Councilors address the Mayor at once, the Mayor shall recognize and name the Councilor who is to speak first.

Rule 13. SPEAKING MORE THAN ONCE ON ONE QUESTION

No Councilor shall speak more than once on one question until every member choosing to speak shall have spoken.

Rule 14. STATING REASONS FOR VOTE CONFINED TO FIVE MINUTES

Any member of the City Council choosing to give his or her reasons for his or her vote on any question or motion before the Council shall have the right to do so, but shall confine his or her remarks strictly to the matter under consideration, and be limited in time to five minutes.

Rule 15. INAPPROPRIATE LANGUAGE PROHIBITED

No member of the City Council, or any other person authorized to address the Council, shall be permitted to use any inappropriate or personally offensive language.

Rule 16. COUNCILOR CALLED TO ORDER

A Councilor called to order shall immediately desist in speaking, unless permitted to explain. If there be no appeal, the decision of the Mayor shall be conclusive.

Rule 17. PRIVATE DISCOURSE PROHIBITED

While a Councilor is speaking, no Councilor shall hold any private discourse, nor pass between the speaker and the chair.

Rule 18. VOTE REQUIRED WHEN PRESENT

Every Councilor who shall be present when a question is stated from the chair shall vote thereon, unless excused by the Council or upon declaring a conflict of interest or an appearance of a conflict of interest in the question, in which case such person shall not vote.

Rule 19. MOTIONS

No motion shall be put or debated unless it is seconded. When a motion is seconded, it shall be stated by the Mayor before debate, and every such motion shall be reduced to writing, if required by a Councilor.

Rule 20. MOTION OR RESOLUTION WITHDRAWN

After a motion or resolution is stated by the Mayor, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision, but if any amendment has been proposed or adopted, it shall not be withdrawn without the consent of the mover of such amendment.

Rule 21. SEVERAL DISTINCT PROPOSITIONS

If the question in debate contains several distinct propositions, any Councilor may have the same divided, and the item(s) considered separately.

Rule 22. VOTES RECORDED

In all cases where a resolution or a motion is entered on the minutes of the Council, the name of the Councilor moving the same shall be entered also.

Rule 23. AYES AND NAYS RECORDED

The ayes and nays upon any question shall be taken and entered on the minutes.

Rule 24. BLANKS

When a blank is to be filled, and different sums or times are proposed, the question shall be taken first on the largest sum, or the longest time.

Rule 25. DEBATE

When a question is under debate, the only motion in order shall be:

1. To adjourn.
2. The previous question.
3. To lay on the table.
4. To postpone indefinitely.
5. To adjourn to a certain day.
6. To refer.
7. To amend.

And such other motions shall have precedence in the order herein arranged, the first three to be decided without debate.

Rule 26. MOTION TO ADJOURN IN ORDER

A motion to adjourn the Council shall always be in order, except: first, when a Council person is in possession of the floor; second, while the ayes and nays are being called; third, when the members are voting; fourth, when adjournment was the last preceding motion; or, fifth, when it has been decided that the previous question shall be taken.

Rule 27. MOTION TO ADJOURN TO GIVEN DATE

A motion to adjourn, simply, cannot be amended, but a motion to adjourn to a given date may be, and is open to debate.

Rule 28. PUTTING THE QUESTION

When the previous question is moved and seconded, it shall be put in this form: "Shall the main question be now put?" If this carries by 2/3 majority, all further motion and debate shall be excluded, and the question put in this order: first upon the amendments pending, and then upon the main proposition before the Council.

Rule 29. LAY QUESTION UPON THE TABLE

A motion to lay a question upon the table, simply, is not debatable, but a motion to lay [a question] on the table conditionally is subject to amendment and debate.

Rule 30. REFER TO COMMITTEE

A motion to refer to a committee shall take precedence over a similar motion for a special meeting.

Rule 31. MOTION TO AMEND

A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained.

Rule 32. MOTION TO MODIFY INTENTION

An amendment modifying the intention of motion shall be in order, but an amendment relating to a different subject shall not be in order.

Rule 33. STRIKE OUT AND INSERT

On amendment to "Strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, and those to be inserted, and finally, the paragraph as it would stand as so amended.

Rule 34. QUESTION RECONSIDERED

A question may be reconsidered by a vote of two-thirds of all the members of the Council. The Motion to reconsider can only be made by a Councilor who voted with the prevailing side and is debatable.

Rule 35. RECONSIDERATION MORE THAN ONCE

No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

Rule 36. COMMITTEE OF THE WHOLE

The Council shall meet as the Committee of the Whole at 5:30 PM on the first and third Mondays of each month.

Rule 36-1. DECLARATION OF POLICY

The Council declares the following as its policy, effective July 1, 2004:

A. The City Council shall select a City Administrator and evaluate his-or her performance on a routine basis. The City Administrator shall work with, coordinate, and supervise the department directors who have the knowledge, ability, and expertise to govern their departments, including day-to-day operations, personnel supervision and assignment, expenditures within the limitations of these Rules, the administration of rules and regulations of their departments and the City of Marshalltown, Iowa, and staffing.

B. Except for the purpose of inquiry, members of the City Council shall deal with the administrative agencies of the City through the City Administrator.

Rule 36-2. SPECIAL COMMITTEES.

The Mayor may appoint a special committee subject to council approval to perform a specified task, and upon submission of a final report, the committee shall dissolve.

A. The Mayor or the committees may request assistance from the department directors for input when needed.

B. All City Council members, the Mayor, City Administrator and City Attorney are welcome to attend any meeting of a committee, and notice of all committee meetings will be given to the entire Council and the Mayor and posted for the public.

Rule 36-3. COMMITTEE REPORTS

Committees will make reports to the Council as requested by the Council. All committee recommendations, decisions or proposed action shall be subject to the final approval and adoption of the Council in formal session.

Rule 37. SPECIAL COMMITTEE MEMBERS AND CHAIR SELECTION

All special committees shall consist of three members each, unless some other number is specified. The committee shall select the chair unless designated by the council.

Rule 38. DISCHARGE OF SPECIAL COMMITTEE

On the acceptance of a final report from a special committee, the said committee shall be considered discharged.

Rule 39. SPECIAL COMMITTEE REPORTS

Special committees to whom references are made shall in all cases report their opinion in writing. This opinion shall be in the form of an order, resolution, or recommendation. All committee reports and recommendations shall be approved by a majority of the committee before presentation to the Council as a whole, though a minority report and recommendation may likewise be made and the Council consider both reports on the matters submitted to it in the course of its regular business.

Rule 40. COUNCIL ATTENDANCE COMPELLED

Three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called special meeting, by serving notice upon said absent members.

Rule 41. SUSPENSION OF RULES

These Rules may be temporarily suspended by the unanimous consent of all the members present, or by a vote of two-thirds of all the members of the Council, but shall not be repealed, altered or amended unless by concurrence of two-thirds of all the members of the Council.

Rule 42. AMENDMENTS TO ORDINANCES

In all proceedings to amend or change an ordinance or section thereof, the proposed amendment shall contain the entire ordinance or section thereof to be amended or changed, and the former ordinance or section shall be repealed. In other words, an ordinance or section shall not be amended by striking out, inserting or adding words, but the former ordinance or section (as the case may be) shall be repealed, and the new one, as amended, written out in full and substituted in its place.

Rule 43. SPECIAL COMMITTEES EMPOWERED

Special committees of the City Council shall be empowered to require the attendance of witnesses, and for that purpose, the chairperson of such committee is authorized to issue subpoenas to the city police chief, who shall immediately serve the same as other legal notices are served.

Rule 44. COMMUNICATIONS

All communications and reports received by, brought before the Council shall be accepted by the Council, and filed by the Clerk without the necessity of a motion or other formal action.

Rule 45. SUPPLEMENTAL RULES

Robert's Rules of Order, 9th Edition, are adopted to supplement these Rules, where not in conflict with these Rules.

SECTION IV. OPERATING PROCEDURES

PURCHASING PROCEDURES

For Purchasing Procedures for the City of Marshalltown please see the Purchasing Policy developed May 1994 and amended June 2000 on file in the City Clerk's Office.

IOWA OPEN MEETINGS LAW

The Iowa Open Meetings Law provides for citizen access to governmental policy and decision-making processes. A public meeting occurs when a quorum of the City Council (or one of its committees) gathers in a single place, either physically or electronically. However, the mere gathering of a majority of the Council does not constitute an illegal meeting unless deliberations or actions take place within the scope of the policy-making rights of the Council. There are a number of reasons which can justify a "Closed Session" (see below), therefore, the Council and all boards, committees and commissions are directed to observe the requirements and constraints of the Iowa Open Meetings Law, Chapter 21 of the Iowa Code, in the conduct of all meetings.

"CLOSED" SESSION

Council, committee and board members are encouraged to be familiar with the Iowa Code Section 21.5, which details the reasons for meeting in a "closed session". A motion must be made at the public meeting to go into closed session, and the motion must cite the basis, under Iowa Code Section 21.5, for the need to have the closed meeting. That motion and basis should appear in the minutes of the body. The motion must be sustained by a vote of two-thirds of the members of the body. This means that a vote of five out of seven members is required if all council members attend. If less than five members are in attendance, all must vote to go into the closed session. In the event that an unlawful meeting occurs, criminal penalties are provided, and the City may be sued for enforcement action. The suit can include a request for attorney fees and expenses.

The legality of the gathering of City Council persons has been subject to frequent litigation. Copies of legal opinions regarding the matter of public scrutiny of the meetings of public officials are available in the City Attorney's Office.

Sometimes citizens and groups are not aware that their invitation to you to attend a meeting or gathering could constitute an unlawful meeting. Sometimes a majority of the Council is invited to such a gathering and individual members do not know that others have been invited. Therefore, care must be taken in attending such gatherings to determine if a majority of the Council is present and if matters bearing upon City business or policymaking might be discussed. In the event that a majority of the Council is invited, it can constitute a legal gathering if a meeting notice has been posted through the City Clerk's office. Attending such meetings can be helpful in terms of gathering information and obtaining citizen input, and posting an open meetings notice prevents criticism from citizens and the media. In attending such a meeting, you must be certain that the public is allowed, to constitute an open meeting. In the event that you find a quorum of Council members present with a presentation or discussion of City business occurring (and no open meetings notice has been posted), you should leave.

Marshalltown's City Council meeting procedures are set forth in the Rules and Order of Business of the Council of the City of Marshalltown, Iowa.

A. MEETING NOTICES

A Notice, showing the time, place, and date of each meeting and its tentative agenda shall be posted at least 24 hours prior to the meeting of the Council or of any appointed board, committee or commission. The notice should be posted by the City Clerk on the official bulletin board at City Hall, with copies provided to the news media. Contact the City Clerk (754-5701) with any questions. Emergency notice provisions are allowed by Iowa Code.

B. REGULAR MEETINGS

Meetings of the Council, or of any appointed board, committee, or commission of the City should be held in the public buildings of the City in rooms or chambers which are accessible to the disabled, unless circumstances dictate another arrangement. The location of such meetings is designated by the board, committee or commission by a majority vote of its members. Regular meetings shall be held at regular times and places consistent with the necessity for such meetings, and shall be held on regular days of the week, regular weeks of the month or regular days of the month. The time, date, place and tentative agendas of regular meetings of appointed boards, committees and commissions shall be made public in accordance with the requirements of the Iowa Open Meetings Law

Special arrangements for the hearing impaired, or for interpreters will be considered upon request to the City Clerk's Office.

C. SPECIAL MEETINGS

Special meetings of the City Council may be held at any time, upon written notice of at least three Council members or upon written notice by the Mayor. The signed notices shall be personally delivered to each member of the Council and the Mayor. The cost of calling a special council meeting for approval of a permit, license or similar instrument is \$300.00 and shall be the responsibility of the petitioner.

Each appointed board, committee or commission may establish its own rules and regulations governing the calling of special meetings and such rules and regulations shall be filed in the office of the City Clerk for inspection by any citizen. These rules and regulations shall provide for the giving of reasonable notice of any special meetings whenever possible.

D. PUBLIC MEETINGS

The public has the right to be present at meetings of the Council and any meetings of any boards, committees or commissions of the City, except when closed meetings are permitted by State law. The Council, boards, committees or commissions of the council may make and enforce reasonable rules and regulations for the conduct of persons attending its meetings.

Conduct and format of City Council meetings are set forth in Rule 5, Rules and Order of Business.

E. INFORMAL PUBLIC HEARINGS

An informal public hearing is one, which is called in order to give the public an opportunity to comment on a subject. Informal hearings are not required by State law or City ordinance. The board, committee or commission concerned may set rules for notifying the public of an informal hearing, establish a time frame, and conduct the hearing in any fair manner it chooses.

F. FORMAL PUBLIC HEARINGS

A formal public hearing is one, which must be conducted in accordance with State laws or City ordinances, and is designed to solicit comment from the general public.

G. HEARING PROCEDURES

Hearings held by an advisory body should be fair and impartial. If a member is biased or has a personal interest in the outcome of a hearing, he or she should disqualify him or herself from participation.

Persons and groups who may be affected by the matter being discussed in the hearing should be given reasonable notice of the time and place of the hearing, and should be given a reasonable opportunity to be heard. They may be represented by counsel and be permitted to present oral and documentary evidence.

The chair should open the hearing and explain the hearing procedures. If there are numerous persons who are expecting to participate, and all represent the same views and opinions, the chair may ask that a spokesperson be selected to speak on behalf of the group. If this arrangement cannot be made, the chair may restrict each speaker to a limited time (generally three minutes) so that all may be heard. Irrelevant comments or speakers who run over the time allotted should be ruled out of order by the chair.

After the hearing has been opened, the usual procedure is for staff to present the staff report, followed by the commissioners' discussion relating to the report. Proponents are given the opportunity to present their case first; opponents' presentation follows.

When interested persons have had the opportunity to speak, the hearing is closed, ending audience participation. Board, committee or commission members may discuss and take action on the proposal following the hearing if such action is planned on their meeting agenda.

H. MOTIONS

When a member wishes to propose an idea for the body to consider for discussion and possible action, the member must make a motion. In order to make a motion, the following steps must be taken:

1. The member asks to be recognized by the chair;
2. After being recognized, the member makes the motion ("I move...");
3. Another member seconds the motion;
4. The chair states the motion and asks for discussion;
5. When there has been sufficient discussion, the chair will close the debate ("Are you ready for the question?" or "Is there any further discussion?");
6. If no one asks for permission to speak, the chair puts the question to vote;
7. After the vote, the chair announces the decision ("The motion is carried", or, "Motion fails," as the case may be).

Phrasing a motion can be difficult. Before action can be taken on a motion, corrections or clarification may be necessary. Until the chair states the motion (step 4), the member making the motion may rephrase (amend) or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. In order that members are clear as to what they are voting on, it is particularly important when a motion is amended that the chair restate the motion.

In making a motion, members should avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the chair to divide the motion. If others do not object, the chair may then proceed to treat each proposal as a distinct motion, to be acted upon separately. The request to divide may also be made by motion.

I. ADJOURNMENT

When a board, committee or commission has finished its business, a motion to adjourn is in order. This motion is not debatable; therefore, it is the duty of the chair to see that no important business is overlooked.

J. MINUTES

Minutes of all meetings must be prepared by the City Clerk, or Clerk's designee, Secretary of the board, committee or commission, or that body's staff liaison. A copy of all such minutes must be filed with the City Clerk's office. Upon approval by the board, committee or commission, written minutes constitute the official record of its activities. Personal notes or recordings made by the Clerk for personal reference and convenience in preparing minutes shall not be considered part of the record and need not be preserved.

Additions and corrections to the minutes may be made only in public meetings, with the approval of the body, and not by private request of individual members.

Minutes of boards, committees and commissions for inclusion on Council agendas are to be submitted in a timely manner. A suggested time frame is two weeks). Minutes may be labeled "Subject to Approval" if a meeting to approve the minutes cannot be scheduled within that time frame.

No Council action should be requested until receipt of appropriate board, committee or commission minutes.

City Council policy does not require that minutes be recorded verbatim. Minutes record the essence of decisions made and of actions taken. Minutes shall show the date, time, and place of the meeting, members present, action taken, the results of each vote taken and information sufficient to indicate the vote of each member present.

K. AGENDA PACKETS

Council meeting agenda packets detailing the items of business to be discussed and any council communications to be presented, will be prepared by the staff and furnished to the members. Members should contact the chairperson or the City Administrator if there are any questions regarding the information.

Agendas for public meetings shall be posted at City Hall and shall be made available to the Mayor and Council, City Department Directors and to the local media. Consult the City Clerk for procedures. At 5:00 P.M. on Friday, the agenda packets are taken to the Police Department where officials may pick them up through the weekend.

L. FISCAL MATTERS

The financial plan for the City's operating revenues and expenditures plus capital improvements is prepared in the nine months before the beginning applicable date. Each October, departments submit their financial plans to the Finance Department. The operating budgets are prepared according to specific guidelines as provided by the Finance Department.

Departments develop capital projects deemed necessary according to requests from boards, committees or commissions, the public, or the departments themselves. Any funds to be spent by boards, committees or commissions are budgeted in the financial plan of the department, which works with each respective body. Typically, a board, committee or commission that oversees operations of a department (such as the Library Board of Trustees) will review and approve its financial plan before it is submitted to the Finance Department.

The City Council will hold Committee of the Whole sessions to review and finalize the entire financial plan. In accordance with State regulations, the proposed one-year budget is published in the Times-Republican newspaper, prior to a public hearing. The Council simultaneously holds a public hearing on the entire financial plan and one-year budget and adopts them at the same time. The one-year budget is required by the State and must be adopted by March 15 of each year.

SECTION V. BOARDS, COMMISSION AND COMMITTEE ROLES

Refer to attachment "A" for application

I. CITY SPONSORED BOARDS AND COMMITTEES

BIKE PATH COMMITTEE

Created to provide a citizen committee to work with the Parks and Recreation Department in creating a master plan of street that could be designated as bike route streets to create a closed loop trail. Committee provides input for future trail development.

BOARD OF ADJUSTMENT

The Board of Adjustment is a quasi-judicial board that acts similar to a judge and has the authority to allow use of zoned property for a non-conforming use or extension of a non-conforming use as provided in the Zoning Ordinance. If an applicant disagrees with the Board's decision on the Variance, Special Use or Appeals, they would appeal to the Court system. The Board of Adjustment meets the 1st and 3rd Tuesday of each month at 5:00 PM. Five members are appointed by the Mayor, with five-year terms.

CIVIL SERVICE COMMISSION

Three members appointed by the Mayor with approval of City Council for a term of four years. Original entrance and promotion examination for city employment, within civil service regulations, are given by the Commission and appointments are made from the qualified civil service list. The Commission hears appeals from aggrieved persons holding civil service rights upon their removal, demotion, and/or suspension.

COLISEUM COMMISSION

Veteran representation of the various veterans organization in the City. Committee oversees the operations, maintenance, and capital improvements to the building. Committee works with Parks and Recreation Director. Committee holds monthly meeting at the Coliseum. The Memorial Coliseum Commissioners are selected by the Veterans Service Organizations, enumerated in Section 37.10 in the Code of Iowa, at a convention. The selection by the Veterans Convention shall be approved by resolution by the City Council. The Commissioners are in charge of the management and supervision of the Memorial Coliseum. Meetings are held on the 1st Monday of each month - appointments are for a three-year period.

DANGEROUS BUILDING BOARD OF APPEALS

Three members appointed by the mayor, with the building official serving as secretary in an ex-officio position, provide final interpretation of the dangerous building ordinance passed August 21, 1981.

ELECTRICAL APPEALS BOARD

Individuals may appeal decisions made by the electrical inspector with the electrical appeals board. Three members have six-year terms.

ELECTRICIANS EXAMINING BOARD

Five members appointed by the City Council. The five members consist of a councilman, a journeyman electrician, a restricted electrician, an electrical contractor, and the city electrical inspector who serves as secretary. The three appointed electricians serve three-year terms. The duties of the Board consist of qualification examinations for all electricians and the revocation or suspension of licenses, if necessary. This Board meets the first Thursday of each month.

EMPLOYEES DEFERRED COMPENSATION PLAN COMMITTEE –

Resolution #83-107 and #83-134. The Plan shall be administered by a committee consisting of a representative of the City Solicitor, the Finance Director, a banker or other person versed in investments, and an hourly employee, appointed for a period of two years, with no more than two consecutive terms for the banker and the hourly employee. The Committee shall have full power and authority to adopt rules and regulations for the administration of the plan, and to interpret, alter, amend or revoke any rules and regulations so adopted. The Committee shall administer the plan and render decisions in an even-handed manner so that all participants in similar circumstance are treated alike.

ENTERPRISE ZONE

This commission shall have the responsibilities designated by the Iowa Code, including but not limited to, the review of applications, the establishment of term limits, re-appointment procedures and the development of administrative rules. The Enterprise Zone is a State Tax Incentive Program for designated areas within the City used to promote industrial, commercial and residential growth within the Community. Nine Representatives shall be from: labor union, IDED, City Council, IVCCD, City Planning & Zoning Commission, Workforce Development Center and three at-large members; appointments are for two-year terms.

GAS & PLUMBING BOARD

The Mayor, with City Council approval, shall appoint a Board of Examiners, one of whom shall be the City Plumbing/Gas Inspector, one City Council member, one Master Plumber, who has engaged in the plumbing business for at least five years in the City, or Journeyman Plumber, and one person from the gas department of Alliant Utilities, Inc.

HOUSING APPEALS BOARD

The Housing Appeals Board shall consist of one (1) Iowa licensed realtor; one (1) Iowa registered architect or engineer; one (1) contractor experienced in remodeling; one (1) lending institution representative; two (2) representatives of the general public, one (1) of whom shall be a landlord. Each board member shall have had at least five (5) years' experience in his or her respective field.

HUMAN RIGHTS COMMISSION

The Human Rights Commission consists of seven citizens who are appointed by the Mayor with the approval of the City Council. The members of this Commission will have the following representation: City of Marshalltown, Marshalltown Community School District, Marshalltown Community College, Area Education Agency 6, Marshall County, Diversity Committee and Ministerial Alliance. This Commission will act as an executive committee with each member representing their defined segment of the community. Each member will have the freedom/flexibility to create/form sub-groups to respond to particular issues. The full Commission will have oversight responsibility and have a proactive element as a part of its overall mission.

INVESTMENT ADVISORY BOARD

Three members meet quarterly to review investment activity of the City to ensure compliance with State and City investment policy.

LIBRARY BOARD OF TRUSTEES

The Marshalltown Public Library Board of Trustees consists of six city and one rural Marshall County residents with a term of six years. The Board sets library policy, establishes an annual budget, approves all expenditures, and supervises the library director. The Board has charge, control and supervision of the Public Library, its appurtenances, fixtures and rooms containing the same. Directs and controls all the affairs of the Library.

MARSHALLTOWN SOFTBALL ASSOCIATION

Seven players represent the some 1000 softball players in the Marshalltown softball leagues. They meet with the Athletic Recreation superintendent monthly to discuss capital improvement ideas for the softball complex, league operations, which state, regional or National tournaments to bid on and the amount of the bids. On occasions, members may sit on committee hearing for bad sportsmanship demonstrated at a league or tournament game.

MUNICIPAL ART GALLERY/FISHER CENTER

waiting for description.

PUBLIC HOUSING ADVISORY GOVERNING BOARD

The City Council members and one Resident Advisory Board member take action on approving the Section 8 Administrative Plan, the Agency Manual and 5-7 Plans, and the Budget. This Board meets as needed.

PLAN & ZONING COMMISSION

Seven members appointed by the Mayor subject to approval of the City Council; 5 year terms. The Commission shall recommend the boundaries of the various original district and appropriate regulations and restrictions to be enforced therein. In addition, the Commission shall make recommendations for amendments, supplements, changes and modifications of said regulations, restrictions, and boundaries of districts. Meetings will be held the Thursday after City Council meetings, twice a month.

RESIDENT ADVISORY BOARD

HUD requires each Housing Authority have a Board to assist the review and make recommendations to the PHA Governing Board concerning administrative policies and agency plans. This board meets as needed and comprised of Section 8 Participants.

SITE PLAN REVIEW BOARD

This board reviews changes within the Central Business District regarding signage, site plan and storefront remodeling. The Board also reviews site plans for government buildings, schools, churches, and multi-family developments. Members of the committee shall be appointed with due regard to the proper representation of such fields as: architecture, history, architectural history, planning, landscape architecture, site design or cultural geography. There are five members, with one member representing the Plan and Zoning Commission.

TREES FOREVER/BRANCHING OUT COMMITTEE

Community members that have interest in community beautification especially trees. The committee meets with city horticulturist in late fall to review the spring planting program and provide direction to the city horticulturist for next spring project. The committee members volunteer each year recruit tree volunteers, make presentation, interview for radio shows, raise money and plant trees on the planting day.

UNIFORM BUILDING BOARD OF APPEALS

Five members appointed by the Mayor with the approval of the City Council for five-year terms. Their duty is to determine the suitability of alternate materials and types of construction and to provide for a reasonable interpretation of the Building Code.

UNIFORM FIRE CODE BOARD OF APPEALS

Five members appointed by the Mayor with the approval of the City Council for five-year terms. Their duty is to determine the suitability of alternate materials and types of construction and to provide for a reasonable interpretation of the Fire Code.

WATER BOARD

The Marshalltown Water Works Board of Trustees is in charge of setting the Policy and Regulations by which the Utility operates considering all Federal and State regulations. The Treatment Plant can treat 12 million gallons per day to 147 miles of water mains to 10127 customers who are billed bi-monthly except larger users who are billed monthly. The utility contracts with CIRWA to provide treated water to parts of 13 counties and 30 other small communities in central Iowa. Three members appointed by the Mayor for six-year terms without City Council approval have six-year terms.

II. MEMBERS OF THE COUNCIL ARE APPOINTED AS CITY REPRESENTATIVES TO THE FOLLOWING AGENCIES:

CABLE TV ADVISORY COMMITTEE - IVCC/CITY

Advisory committee to oversee the operations of the government/education Channel 12 on the TCI cable television system, in accordance with a Franchise Agreement with TCI, Iowa Valley Community College and the City of Marshalltown. The committee shall consist of eight members and a chairman. This committee is comprised of four representatives each from the college and the City.

CONVENTION & VISITORS BUREAU

The mission statement of the Marshalltown Convention and Visitors Bureau (MCVB) states, "The MCVB is dedicated to promoting the Marshalltown area as a destination for meetings, conventions, group tours and recreational activities with an emphasis on overnight business." Our efforts to market the community beyond our borders involve an active board of directors, who serve along with other interested community members, on four teams that meet monthly and work on objectives derived directly from our mission statement.

LANDFILL COMMISSION

The Solid Waste Management Commission of Marshall County is formed by 28E Agreement between 16 municipalities and governmental units. This twenty-one-member commission operates and maintains a facility for the disposal of solid waste. The agreement also includes recycling. Each member community is represented based on population. The City of Marshalltown has five representatives.

MAIN STREET COMMITTEE – CBD

The mission of Marshalltown's central business district is to continuously enhance the district into THE destination for businesses, shoppers and travelers alike through broad based representation and a strong public/private partnership, with a vision to be the heart of the city, the nucleus for civic, cultural, social, retail, history and heritage. Through that joint cooperative effort, the central business district will become a warm, welcoming, vibrant place to live, grow and prosper, with attractive and appealing businesses that are successful in fulfilling the needs of all segments of the community.

MARSHALLTOWN ECONOMIC DEVELOPMENT IMPACT COMMISSION (MEDIC)

Terms end on May 31 & begin on June 1; Terms are for three years, except ex-officio members one year.

911 COMMISSION

The 911 commission is made up of city and county users of the 911 system. The Police Chief is the systems administrator and the Assistant Chief is the assistant administrator. The Commission has budget authority and funds all operational issues for the communications center with surcharge money and pays the personnel costs with general fund money: 62% by the city and 38% from the county. The Commission does not have operational control. The center is a joint city/county operation responsible for dispatching all public safety agencies countywide.

SENIOR CITIZEN'S CENTER

Senior Citizen's Center – First Floor

The Senior Citizen's Center consists of two organizations housed under the same roof at 20 East State Street. The first floor holds a not-for-profit activity center for persons age 55 and over. Primarily funded by donations and fund-raising functions, the Center is open Monday through Friday from 12:00 noon to 5:00 PM. No dues or fees are charged, and visitors are welcome on a walk-in basis. The Center offers card games, pool tables, quilting, and companionship for senior members of the community. Further information is available from Kathy Waltermire, Director, at 754-5744.

Hawkeye Valley Area Agency on Aging – Second Floor

The second floor houses the office of The Hawkeye Valley Area Agency on Aging (HVAAA), which is funded by federal funds plus donations from the public. Its main purpose is to provide well-balanced, nutritious meals to senior citizens (age 60+) on a daily basis to allow those citizens to remain in their own homes as long as possible. To achieve this end, daily "congregate meals" are served at the Center. Five satellite sites also receive hot meals from the Center and some meals are sent out to individuals in their homes. Approximately 130 meals are provided daily. In addition, out-of-town medical transportation is arranged through this office, which also offers information and referrals and some recreational classes. Contact Donna Eddy, Director: 752-1638 for further information.

SISTER CITIES ASSOCIATION OF MARSHALLTOWN

The objectives of the Sister Cities Association of Marshalltown is "To cause the people of the City of Marshalltown and the people of similar cities of foreign nations to acquire a consciousness of each other, to understand one another as individuals, as members of the community, as citizens of their country and as part of the family of nations". Currently, Sister Cities of Marshalltown has two sister cities, Minami-Alps, Japan and Budennovsk, Russia. A third potential sister is Korsun, Ukraine. Sister Cities conducts adult, middle school student, teach and Marshalltown High School exchange programs, as well as special exchanges in cooperation with Iowa Sister States. The Mayor, President of the Chamber of Commerce and the School District Superintendent hold permanent positions on the board.

CITY OF MARSHALLTOWN
APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

DATE: _____

NAME: Last	First	Middle
STREET ADDRESS		
CITY		
STATE		
ZIP		
()	()	()
TELEPHONE: DAY	EVENING	CELL

EMPLOYER: (If retired, please indicate last employer and position held.) _____

E-mail address: Providing your email address authorizes the City to notify you via email of agendas, notifications, etc., related to board / commission service.

VOLUNTEER CIVIC/COMMUNITY ACTIVITY

Please list the organizations in which you have been involved, the nature and duration of your involvement, and any offices or positions you have held. If necessary, continue on another sheet and attach. Include any innovative programs you have developed or participated in at work or in other volunteer capacity.

Please check which of the following City Boards and/or Commissions you would like to be appointed to.

- ☐ Bike Path Committee
- ☐ Board of Adjustment
- ☐ Civil Service Commission
- ☐ Claims Appeal Board
- ☐ Coliseum Commission
- ☐ Dangerous Building Board of Appeals
- ☐ Data Processing Advisory Board
- ☐ Electrical Appeals Board
- ☐ Electricians Examining Board
- ☐ Enterprise Zone
- ☐ Gas & Plumbing Board
- ☐ Housing Appeals Board
- ☐ Human Rights Commission
- ☐ Investment Advisory Board
- ☐ Library Board
- ☐ Marshalltown Softball Association
- ☐ Municipal Art Gallery/Fisher Center
- ☐ Public Housing Advisory Governing Board
- ☐ Planning & Zoning Commission
- ☐ Site Plan Review Board

- ☐ Trees Forever/Branching Out Committee
- ☐ Uniform Building Board of Appeals
- ☐ Uniform Fire Code Board of Appeals
- ☐ Water BoardOther **PARKS**

ADVISORY COMMITTEE

IN ADDITION, MEMBERS OF THE COUNCIL ARE APPOINTED AS REPRESENTATIVES TO THE FOLLOWING:

- ☐ Cable TV Advisory Committee - IVCC/City
- ☐ Convention & Visitors Bureau
- ☐ Landfill Commission
- ☐ Main Street Committee – CBD
- ☐ Marshalltown Economic Development Impact Commission (MEDIC)
- ☐ 911 Commission
- ☐ Senior Citizens' Committee
- ☐ Sister City Ad Hoc Committee

Please indicate why you have designated a particular Board/Commission on which you would like to serve. For instance, previous experience, expertise or interest, improvements, etc., you believe you would bring to the Board/Commission.

ATTENDANCE OF MEMBERS OF ALL BOARDS AND COMMISSION

Attendance of Board and Commission members will be reviewed on a quarterly basis by the staff member who works most directly with any Board or Commission. If attendance of any member is at a level of less than 75% for two consecutive quarters, the staff member will report that attendance to the member and to the Mayor. If attendance of any member is at a level below 60% in any four consecutive quarters (or over a span of six or more meetings for groups which meet fewer than six times annually), the Mayor will request a resignation from that member unless there were extenuating circumstances, outside the control of the member, which were reported to the staff member prior to the absences. If a Board or Commission has been unable to conduct business at more than one scheduled meeting in the previous year due to lack of a quorum, the 60% requirement will be enforced regardless of extenuating circumstances.

I do not intend to leave the city for long periods of time during my appointment: Yes / No
(circle one)

If you have a resume, please attach it to this form so that the Mayor and City Council can most effectively evaluate your interests and match you with the appropriate Board/Commission vacancy.

The City appreciates your time and volunteer spirit. This interest form will be retained for one year and if during that time you are not appointed to a City Board/Commission, you will receive a notice asking that you renew your interest in serving.

Signature

Return to: City Clerk's Office
City Hall, 24 North Center Street
Marshalltown, Iowa 50158
(641) 754-5701

Attachment B - Reserved

COMPLAINTS & REFERRALS

The following is an updated list of general complaints frequently received by the City and the office responsible for following up on these matters. Before making a referral it is important to keep in mind that there are certain persons to whom citizens should not be referred. These are persons primarily functioning as judges or what is called a "quasi-judicial" capacity. Persons serving in a quasi-judicial capacity are typically members of boards and commissions who are volunteers. They include members of such boards as the Planning & Zoning Commission, Board of Adjustment, and Civil Service Commission. These persons are not employees of the City, but volunteers who make decisions pursuant to ordinances. These decisions are to be made in a public forum and not privately through personal contact or otherwise. Therefore, it is inappropriate to refer any citizen directly to a member of any of these boards. Iowa case law (Rodine v. Zoning Board of Adjustment, 434 N.W. 2d 124 (Iowa App. 1988)) established that members of public boards act as judges concerning public matters, and therefore it is inappropriate to contact them outside of the public hearing. Any information or opinion, which any citizen desires to communicate, should be done at the public meeting of the body involved and not through private telephone or personal contacts.

COMPLAINT	REFERRAL	TELEPHONE
ANIMALS Barking dogs, illegal keeping of animals, vicious animals, cats or dogs at large (After 5:00 P.M. & weekends)	Police Department	754-5725
Cats/dogs at large (Before 5:00 P.M. weekdays)	Animal Rescue League	753-9046
BUS SCHEDULES City bus and service	Transit Director	754-5719
CITY TAXES Assessments & City tax questions	County Assessor	754-6305
CIVIL RIGHTS Complaints	Marshalltown Human Rights - Lee Hauptert	752-0287
EASEMENTS Locating City easements	City Engineer	754-5734
HOUSING Fire safety & rental inspection	Fire Department - Housing Inspection	754-5729
JUNK CARS	Police Department	754-5729
NUISANCE ABATEMENT Weeds/unmowed lawns/junk cars, front yard parking	Nuisance Abatement	754-5759

COMPLAINT	REFERRAL	TELEPHONE
PARKING PROBLEMS		
	Police Department	754-5729
PERMITS		
Parking & Parking fines	City Clerk	754-5700
Building Permits	Building Inspector	754-5737
RECYCLING		
Landfill	Solid Waste Management	754-0646
Recycling questions	WPCP	754-5709
Recycling trees, brush, etc.	Compost Facility	754-5725
RENTALS		
Park or shelter House	Park & Rec	754-5715
SEWER		
Problems with sewer	WPCP	754-5709
	Sewer Department	754-5749
Locations of sewer	City Engineer	754-5734
SIGNS		
Missing or damaged	Street Department	754-5748
	City Engineer	754-5734
SNOW		
Removal	City Engineer	754-5734
	Nuisance Officer	754-5759
TREES		
Dead or diseased trees on city terrace	Park & Rec	754-5715
WATER PROBLEMS		
	Water Department	753-7913
WEEDS		
Unmowed/Obnoxious	Nuisance Abatement	754-5759
ZONING		
Fences, variances, special use permits, building locations	Zoning Administrator	752-3154

MUNICIPAL INFRACTIONS

INFRACTION	ORDINANCE/CODE SECTION	DEPARTMENT
Garbage or recyclables on curb	#114472	Water Pollution Control Plant
Pushing snow on to street	26-3	Public Works
Snow on sidewalk for more than 10 hours	26-1	Public Works
Vehicles parked on City terrace	20-180	Police Department
Vehicles parked in alleys, unless unloading	20-182	Police Department
Junk cars on public or private property, inoperable or unlicensed	21-6(n)	Police Department/ Nuisance Abatement
Abandoned cars on street or alley more than 24 hours	20-178	Police Department
Adjacent owner to maintain City terrace	26-4	Fire Department or Park & Recreation
Vehicles Parked in Front Yard in any area zoned residential	#9366 (Art. V., Sec 3(1))	Police Department Nuisance Abatement
Leaves or grass pushed into gutters or street		Water Pollution Control Plant
Sidewalk repair	26-51 to 26-55	Public Works
NUISANCES REQUIRING WRITTEN NOTICE TO ABATE:		
Noxious smells, injurious to health	21-61(a)	Water Pollution Control Plant
Emission of smoke, fumes, fly ash	21-61(k)	Fire Department, Water Pollution Control Plant
Dense growth of weeds or unmown grass	21-61(l)	Nuisance Abatement
Inoperable unlicensed vehicle	21-61(n)	Police Department Nuisance Abatement
Garbage, trash	21-61(l)	Nuisance Abatement
Dangerous or diseased trees	21-61(l)	Park & Recreation

CITY OF MARSHALLTOWN, IOWA

Council Manual

Rules and Procedures

Adopted October 9, 2017

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PART 1. GENERAL

AUTHORITY

Iowa Code Section 372.13(5) provides that the City Council shall determine its own rules of procedure. The following set of rules shall be in effect upon adoption by the Council until such time as they are amended or new rules adopted.

INTERPRETATION OF THE RULES OF PROCEDURE

The City Attorney shall act as parliamentarian and rule on any questions regarding the application or interpretation of these rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of City Council business. Any good faith, non-intentional error in the application of these rules shall not void any public action taken if, notwithstanding the good faith, non-intentional error, the action taken otherwise complied with the Marshalltown Code of Ordinances and the Iowa Code.

RULE ENFORCEMENT

The presiding officer, whether it be the Mayor, Mayor Pro Tem or Acting Mayor Pro Tem, shall enforce these rules and procedures. Any Councilmember who believes the presiding officer is failing to enforce the rules may call attention to it by making a point of order referencing the Rule or Procedure the Councilmember believes is applicable. The raising of a point of order has the effect of requiring the presiding officer to make a ruling on the question involved and, if appropriate, to enforce the applicable rule.

Unless otherwise specified by law or these rules, all business will be conducted by majority rule of those present and voting.

Following any adverse ruling on a point of order, any Councilmember may move to appeal the decision of the presiding officer and, in so doing, state the appropriate action which the Councilmember believes should have been taken. If this motion receives the required second, the City Council may, by majority vote, adopt the alternative ruling stated in the motion.

SUSPENSION AND AMENDMENT OF THESE RULES

A motion to suspend the rules is debatable but requires a two-thirds vote to pass. This motion allows the City Council to suspend its own rules temporarily in order to accomplish a particular purpose.

Temporary Suspension.

These rules may be temporarily suspended by the unanimous consent of all the Councilmembers present, or by a vote of two-thirds of all the Councilmembers. The vote on any such suspension shall be taken by “yeses” and “nos” and entered upon the record.

Amendment of These Rules.

These rules may be amended or new rules adopted, by majority vote of all Councilmembers and shall, at a minimum, be reviewed every two (2) years.

Supplemental Rules.

The current edition of Robert's Rules of Order is adopted to supplement these rules, where not in conflict with these rules. However, any good faith, non-intentional error in the application of Roberts Rules of Order shall not void any public action taken if, notwithstanding the good faith, non-intentional error, the action taken otherwise complied with the Marshalltown Code of Ordinances and the Iowa Code.

CITY GOVERNMENT STRUCTURE**Mayor.**

The Mayor is the chief executive officer of the City and carries out the responsibilities specified in the Code of Ordinances. When present, the Mayor is the presiding officer at meetings of the City Council. The Mayor has veto powers authorized by the Iowa Code. The Mayor appoints all board and commission members as provided for in these rules. The roles of these committees are detailed in the Board and Commission Manual, which is consistent with Iowa Code § 372.14.

Mayor Pro Tem.

The Mayor Pro Tem is vice president of the City Council. When the Mayor is absent or unable to act, the Mayor Pro Tem shall perform the Mayor's duties. The Mayor Pro Tem retains all of the powers of a Councilmember while performing the duties of the Mayor.

City Council.

The City Council is the legislative body elected by the citizens of Marshalltown to make laws and policies for the community. The Council approves the budget and determines the tax rate, among other required duties set forth in the Iowa Code and Code of Ordinances. The Council is responsible for major issues, such as community growth, land use development, capital improvement plans, capital financing and strategic planning. The Council appoints the City Administrator, who is tasked under the Code of Ordinances with the supervision of the City staff and with carrying out most day-to-day functions of the City government when the Council is not in session. The Council supervises and evaluates the City Administrator's performance.

The role of a City Councilmember is similar to being a member of the board of directors of a large business. The City Council provides a focal point, or the conscience of the community. It is not the job of Councilmembers to become directly involved in the daily operations of the City. The City Administrator and the Department Directors are responsible for overseeing the implementation of services. The Council sets the level of services and the policies by which the City operates.

City Administrator.

The City Council shall select a City Administrator, who serves as the Chief Administrative Officer, and shall evaluate his or her performance on a routine basis. The City Administrator shall work with, coordinate and supervise the Department Directors who have the knowledge, ability and

expertise to manage their departments, including day-to-day operations, personnel supervision and assignment, expenditures within the limitations of the City budget, the administration of laws, rules and regulations applicable to their departments, and staffing. Except for the purposes of fact-finding, City Councilmembers shall deal with the administrative agencies of the City through the City Administrator.

MAYOR'S DUTIES

Chairperson.

The Mayor, when present, shall act as presiding officer of all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall act as presiding officer. In the absence of both the Mayor and the Mayor Pro Tem, the longest-serving Councilmember, including all combined terms and years of service on the Council, shall act as presiding officer.

Substitution Procedure for Presiding Officer.

In the case of the Mayor's absence or recusal due to conflict of interest, the Mayor will call on the Mayor Pro Tem, or the longest-serving Councilmember then present and available, to temporarily preside over the meeting. Said temporary arrangement shall not continue beyond adjournment, or cessation of discussion of the matter requiring recusal.

Council Rules.

These rules, including any amendments to these rules which may be made from time to time, shall be effective when adopted by a majority vote of the entire Council.

Call to Order.

The meetings of the Council shall be formally called to order by the presiding officer.

Right of Floor.

Any Councilmember desiring to speak shall be first recognized by the Mayor, unless requesting to be recognized or seconding a motion. Councilmembers shall confine their remarks to the subject under consideration.

Order and Decorum.

The presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. The presiding officer shall ensure that debate and discussion of an agenda item focuses on the item and the policy in question. The presiding officer shall abide by the following rules when controlling discussion:

- a) Debate on policy is healthy and necessary, but ad hominem criticisms of other Councilmembers is not. The Mayor has the right to stop discussion which is personal in nature, abusive, unduly loud, inappropriate, repetitive or excessively time-consuming.
- b) One person shall have the floor at a time, and the speaker shall be recognized by the presiding officer before proceeding to speak.

ROLE OF CITY STAFF AT COUNCIL MEETINGS

City Administrator.

The City Administrator or designee shall attend all meetings of the Council unless excused by the Mayor. The City Administrator shall make recommendations to the Council when appropriate, either in writing prior to the meeting, or orally as necessary during the meeting.

City Attorney.

The City Attorney or designee shall attend all meetings of the Council, unless excused by the Mayor or the City Administrator. The City Attorney shall act as the Council's parliamentarian when present.

City Clerk.

The City Clerk or designee shall attend all meetings of the Council, unless excused by the Mayor or the City Administrator, and shall keep the official minutes and perform such other duties at the meeting as may be requested by the Council.

City Employees.

Department heads or other designated employees of the City shall attend the Council meetings, unless excused by the Mayor or the City Administrator.

TYPES OF MEETINGS, NOTICE, PROCEDURES

Notices of, and agendas for, all meetings of the City Council, appointed boards, committees or commissions shall be given in compliance with the requirements of Iowa Code Section 21.4. Meeting notices shall be posted by the City Clerk, or designee, at least twenty-four (24) hours prior to the meeting. Likewise, any established boards, commissions or committees established by the City Council shall follow the same procedures.

The City Council meeting agenda and pertinent packet information shall be posted on the City's website, www.marshalltown-ia.gov. The Mayor and Councilmembers should contact the City Clerk with any routine questions concerning the agenda prior to the meeting. Questions regarding policy issues on the agenda and clarification of action items should be directed to the City Administrator ahead of the meeting, whenever possible.

All official meetings of the Council, appointed boards, committees or commissions shall be open to the public, except those legally designated as closed sessions. Regular Council meetings shall be held in a building or room that is accessible to persons with disabilities, which shall normally be the Council chambers at the Marshalltown City Hall, located on the second floor of the building at 10 West State Street. For Council meetings held in part or in whole at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible. Special arrangements for the hearing impaired, or for interpreters, will be considered upon request to the City Clerk's Office.

Regular Meeting.

The regular Council meetings will be held the second and fourth Mondays of every month, except when the regular meeting date is a holiday, in which event the meeting will be held at noon on the next day. Meetings will commence at 5:30 p.m., unless the Council directs otherwise.

Work Sessions.

The Council may meet informally as needed in work sessions which are open to the public. Starting times will be dependent on the number of items scheduled for discussion. The purposes for work sessions include, but are not limited to, budget sessions, joint meetings, reviewing upcoming programs, receiving progress reports on current programs, receiving information from the City Administrator or discussing other matters of concern. No formal action on any item may be taken at a work session, but matters may, by motion, be placed on the agenda for a later City Council meeting.

Items may be placed on the work session agenda by the City Administrator, Mayor or a Councilmember. The City Attorney or other City staff may place items on the agenda if approved by the City Administrator. Agenda items must be submitted at least five (5) days prior to the scheduled work session. No public comment shall be permitted during a work session unless public comment is specifically called for on the agenda, or unless solicited by the presiding officer.

Special Meetings.

Special meetings of the City Council may be held if called by the Mayor, with the required public notice under Chapter 21. In such cases, the Mayor shall provide written notice to each Councilmember by email or other appropriate means. The cost of calling a special Council meeting for approval of a permit, license or similar instrument is \$500.00 and shall be the responsibility of the petitioner.

Open Session.

Except as provided in the Iowa Code, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

Closed and Exempt Sessions.

Iowa Code Section 20.17 permits public bodies to hold exempt sessions (i.e., not subject to the Open Meetings Law) to discuss collective bargaining with their bargaining representatives. Iowa Code Sections 21.5 and 21.9 permit closed sessions for certain limited, and narrowly defined, reasons. A vote to go into a closed session requires an affirmative vote of either two-thirds (2/3) of the Councilmembers or all of the Councilmembers present at the meeting. No ordinance, resolution, motion or other formal action may be taken in closed session.

In the case of any exempt or closed session, the agenda shall be drafted with the assistance of legal counsel to state the specific statutory basis under which the closed session will be held. The City Attorney or other legal counsel shall provide, in writing, the legal basis for the closed session and provide the same to the Mayor and Council prior to the meeting or, in the alternative, the City Attorney or outside legal counsel shall attend the meeting and state publicly the basis for the closed session. Said written or oral opinion shall specify the particular Iowa Code section which allows the exempt or closed session and a short statement of why the subject matter to be discussed in

closed session makes the section applicable. The Council shall not enter closed session until this opinion is provided.

PUBLIC HEARINGS

Informal Public Hearings.

An informal public hearing is called in order to give the public an opportunity to comment on a matter of public interest before the Council. Informal hearings are not required by State law or City ordinance. The board, committee or commission concerned may set rules for notifying the public of an informal hearing, establish a time frame and conduct the hearing in any fair manner it chooses.

Formal Public Hearings.

A formal public hearing is one required by State laws or City ordinances and is designed to solicit comment from the general public.

Hearing Procedures.

Hearings shall be fair and impartial. If a Councilmember has a personal interest in the outcome of a hearing, such that there is a legally recognized conflict of interest, he or she should disqualify himself or herself from participation.

Persons and groups who may be affected by the matter being discussed in the hearing shall be provided at least the minimum statutory notice of the time and place of the hearing. Such persons and groups attending the hearing shall be given a reasonable opportunity to be heard. Persons or groups requesting to address the Council may be represented by legal counsel and may present oral and documentary evidence.

The presiding officer should open the hearing and explain the hearing procedures. The presiding officer should inquire whether any comment on the public matter at issue has been received in the Clerk's office, and the Clerk should then relate any such comments for the record.

Following the report of the Clerk, the public should be invited to address the Council. If there are numerous persons representing the same views and opinions, the presiding officer may ask that a spokesperson be selected to speak on behalf of the group. If this arrangement cannot be made, the presiding officer may restrict each speaker to a limited time (generally three minutes) so that all may be heard. Irrelevant comments or speakers who run over the time allotted may be ruled out of order by the presiding officer.

Following comments from the public, staff persons who have information to present should be invited to present their respective reports.

When all interested persons (except as reasonably limited by the presiding officer, as stated above) have had the opportunity to speak, the hearing is closed, ending audience participation. Councilmembers may then discuss and take action on the proposal following the hearing if notice of such action is stated on the meeting agenda.

MEDIA COVERAGE OF COUNCIL MEETINGS

Open Meetings.

All official meetings of the City Council shall be open to the public and the media. All meetings may be recorded by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Agendas.

Agendas may be obtained by members of the media by contacting the City Clerk (754-5701) or by downloading the agenda from the City's website. Further, printed agendas are available at each City Council meeting.

MEETING CONDUCT

Disorderly Conduct.

No person shall disrupt the orderly conduct of a Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any Councilmember while the Council is in session must be made through the City Clerk.

- a) Recognition by Mayor. Councilmembers shall not address the meeting until recognized by the presiding officer.
- b) Two or More Speakers. When two or more Councilmembers request to be recognized at once, the presiding officer shall recognize and name the Councilmember who is to speak first.
- c) Speaking More than Once on One Question. No Councilmember shall be recognized to speak twice on the same matter until every Councilmember desiring to comment on the matter has spoken.
- d) Inappropriate Language and Behavior. The Mayor, Councilmembers, City Administrator and staff shall at all times conduct themselves civilly. No person shall be permitted to shout, curse or use personally offensive language directed at other individuals.
- e) Person Called to Order. Any person called to order by the presiding officer shall immediately desist in the objectionable behavior.
- f) Private Discourse Prohibited. While any person is addressing the meeting, who has been duly recognized by the presiding officer, no person shall hold any disruptive or distracting private conversation.

g) Removal. Any of the following shall be sufficient cause for law enforcement personnel, by order of the presiding officer, to remove any person from the Council chambers or meeting hall for the duration of the meeting:

1. Unreasonably loud or disruptive language, noise or conduct which obstructs the work of conducting of the business of the Council.
2. Willful injury of furnishings or of the interior of the Council chambers or meeting hall.
3. Refusal to obey the rules of conduct, including the limitations on occupancy and seating capacity.
4. Refusal to obey an order of the presiding officer or an order approved by a majority of the Council present.

Except where a disruptive person presents a physical danger to others (in which case law enforcement personnel will immediately apprehend and remove the person), the presiding officer shall give a warning to a disruptive person before ordering the person's removal. If a meeting is disrupted by more than one member of the audience and where it appears a general breakdown of order has occurred or will occur, the presiding officer or a majority of the Council present may order that the Council chambers or other meeting hall be cleared.

Enforcement of Decorum.

The presiding officer is the Sergeant-at-Arms of the Council meetings. That person maintains order and decorum at the Council meetings. Physical removal, when necessary, will be undertaken by law enforcement personnel.

Action by Verbal Motion.

Verbal motions of the Council shall be stated clearly. In the case of an ambiguous or confusing motion capable of several interpretations, the presiding officer shall, as soon as practicable following the initial statement of the motion, clarify the intent of the motion so as to ensure all Councilmembers understand its meaning and intent. In such cases, Councilmembers should be asked to amend their motions by friendly amendment.

AGENDA PREPARATION

Agenda Deadline.

Except in cases of pressing need or emergency, no business may be submitted for placement on the regular Council agenda after 12:00 p.m. of the 5th day (Wednesday) prior to the meeting day. Items may be placed on the agenda by the City Administrator, Mayor or a Councilmember. The City Attorney or other City staff may place items on the agenda if approved by the City Administrator. When a holiday falls on a Friday, the City Clerk may revise the agenda cutoff time and shall, with the concurrence of the City Administrator, notify all staff, the Mayor and Councilmembers of the same.

Agenda and Agenda Packet Preparation.

The Mayor, City Administrator and City Clerk are responsible for preparation of the agenda and packet. Councilmembers should promptly review their packets and contact the City Administrator

if there are any questions regarding the information. The Mayor and City Administrator, after considering any requests for agenda items, shall approve the tentative agenda. Any request for an agenda item from the general public shall not be placed on the agenda unless and until timely requested by the Mayor or City Administrator. Staff may also place on the agenda items brought forward by the public, if approved by the City Administrator.

Councilmembers should, whenever possible, avoid using Council meeting time as a fact-finding exercise. Councilmembers are instead encouraged to consult with the City Administrator ahead of the meeting to clarify any packet materials which are unclear. Meeting time should be used, as much as possible, for bona fide debate of public matters, rather than fact gathering which could have been accomplished with due diligence before the meeting.

Agendas for public meetings shall be posted at City Hall and shall be made available to the Mayor and City Council, City Department Directors and to the local media. At 5:00 p.m. on the Friday prior to Council meetings, the agenda packets are taken to the Police Department where officials may pick them up throughout the weekend. The agenda packets are also posted to the City's website for viewing by the general public.

Withdrawn Items.

Agenda items may be withdrawn by either the Mayor or the City Administrator prior to agenda distribution. Further, under circumstances where unforeseen problems are discovered with an agenda item after distribution of the agenda, the agenda may be modified as necessary by the Mayor.

ORDER OF BUSINESS

The order of business shall be as contained in the agenda. The order of business may also be changed by majority vote of Councilmembers present, for reasons of efficiency. Reasons of efficiency include, but may not be limited to, the convenience of persons attending the meeting, the lateness of the hour, and similar concerns.

Meetings shall normally be conducted in the following order:

- a) CALL MEETING TO ORDER
- b) PLEDGE OF ALLEGIANCE
- c) ROLL CALL
- d) COMMENTS BY THE MAYOR, COUNCILMEMBERS, CITY ADMINISTRATOR AND PRESENTATIONS. Informational, explanatory or educational comments by the Mayor, Councilmembers and City Administrator which do not require any action. These comments may also include announcements of events, welcoming special guests or recognition of an achievement.
- e) CONSENT AGENDA. The consent agenda shall consist of non-controversial, routine items such as, but not limited to, refunds, routine appointments not requiring Council

approval, department reports, applications, simple service contracts already vetted by City staff and not requiring Council attention, and communications not requiring action. The items comprising the consent agenda will not be considered individually, but will be adopted on one motion. Councilmembers or the Mayor may remove any item on the consent agenda for individual discussion, and no second shall be required. No vote on such a request shall be required.

- f) **REPORTS.** The Council may request reports from cooperating agencies or private groups who are working with the Council on official projects or other community initiatives.
- g) **MOTIONS.** Motions are proposals to move a matter forward or to take some action in circumstances where no written resolution has been prepared. Councilmembers should make a motion when there is new or non-routine business requiring Council discussion prior to a vote, including, but not limited to, new liquor licenses and cigarette permits. Example: “I move the liquor license for XYZ Restaurant be approved.” Any motions concerning any procedure matter, such as the order of business or the general conduct of the meeting, may be made prior to the consideration of other business.
- h) **RESOLUTIONS.** Resolutions are written directives of the City Council directing certain actions, such as the approval of contracts. Resolutions typically direct the Mayor to sign the resolution and frequently direct the City Clerk to take whatever actions are necessary to carry out the resolution, such as to “place the contract on file in the usual manner.” Resolutions are necessary for more formal actions where a definite record of Council action is important. Resolutions presented and seconded shall first be discussed by the City Council and Mayor. After discussion by the Council and Mayor, a resolution may, at the discretion of the presiding officer, be addressed by members of the general public upon the same conditions provided under public comments. A resolution pertaining directly to other items of business should be placed first in order of resolutions being considered. Resolutions requiring a public hearing shall be considered immediately following the public hearing. Resolutions requiring a public hearing will be considered last in order of resolutions.
- i) **ORDINANCES.** Ordinances are the laws of the City. Ordinances must be read, considered and passed three separate times at three separate meetings of the City Council in order to become law. However, if the agenda provides the required public notice, a motion may be made to allow all three readings to occur at one meeting. If the motion is approved by two-thirds (2/3) of all Councilmembers (i.e., not just those Councilmembers present), then the requirement of making the readings at three separate meetings may be waived, and all three readings may occur at the present meeting. Such a motion to waive the three meetings requirement may occasionally be appropriate when an ordinance is not controversial and where time is of the essence. After discussion by the Council, members of the general public may, at the discretion of the presiding officer, address an ordinance, upon the same conditions as provided under public comments. An ordinance which requires a public hearing prior to adoption will be placed last in the order of ordinances being considered. In the case of any ordinance to amend or repeal

an ordinance or section of an ordinance, the proposed amendment shall contain the entire text of the ordinance or section to be amended or repealed. Ordinances amending or repealing existing ordinances shall be drafted to repeal the former ordinance or section in its entirety, and set forth the entire text of the proposed ordinance or section, as amended.

- j) **DISCUSSION.** Items placed on the agenda solely for discussion purposes will not be acted upon. Such discussion items determined to require action may be placed on a subsequent agenda by motion or, if no motion is made, by placement of the item on a subsequent meeting agenda through the usual process described in the “Agenda Preparation” section of these rules.
- k) **PUBLIC COMMENT.** Members of the general public may, during the allotted timeframe on the meeting agenda, make comments on any item which was not on the agenda. The proposed speaker shall, after being recognized by the presiding officer, approach the microphone, and state his or her name and address. Comments shall be limited to three minutes, unless a longer comment is authorized by the presiding officer. The speaker shall direct comments to the presiding officer and to the Council as a whole. The presiding officer and Councilmembers shall not engage in discussion or debate on items raised by members of the public unless the subject matter concerns an item on the posted agenda. No action may be taken on items raised in public comments.
- l) **ADJOURNMENT.**

Individual Electronic Participation.

An absent Councilmember may participate electronically in any City Council meeting by speaker phone or other device, provided the comments of the Councilmember are plainly audible to the public.

Quorum.

A quorum is necessary for the conduct of business. A majority of the Councilmembers shall constitute a quorum. If a quorum is not present, those in attendance may elect to discuss items, but may not take official action, except to adjourn to a later date.

Recording of Votes.

Affirmative and negative votes shall be recorded on all ordinances and resolutions and entered into the official minutes of the City Council. The outcome of a vote on a motion shall be announced by the Mayor and recorded by the Clerk.

Majority Vote Required.

Unless otherwise provided by State Code, an affirmative vote of at least four (4) Councilmembers shall be necessary to pass an ordinance or resolution. When any vote is called, each Councilmember shall respond: “yes,” “no” or “abstain.” An “abstain” vote of a Councilmember is a “no” vote, unless the Councilmember states he or she has a conflict of interest and states the nature of the conflict. In the case of a conflict of interest, the number of votes to approve any action is recalculated to exclude the abstaining Councilmember. For example, if two Councilmembers abstain due to a

conflict of interest, an item could pass on a three to two vote (provided the vote does not require a majority of the entire Council).

Ordinance and Resolution Passage Procedure.

When passed by the City Council, an ordinance or resolution shall be signed by the legally required person (normally the Mayor) and shall be attested to by the City Clerk. It shall be immediately filed and thereafter preserved in the office of the City Clerk.

Publications.

All minutes, ordinances and notices will be published as required by State law.

Consideration of Emergency Matters.

If, under Iowa Code 21.4(2), and after conferring with the City Attorney, the City Council determines by majority vote that an emergency exists, agenda items may be added without twenty-four (24) hours' notice to the public. In such cases, the reasons for said emergency shall be noted in the minutes and, particularly, the reasons why the Council determined the items could not reasonably be deferred to a later meeting. Such action should rarely occur, and only when the Council believes irreparable harm will occur if action is not taken immediately.

VOTING AND DISCUSSION ON MOTIONS AND RESOLUTIONS

No motion or resolution shall be debated unless seconded. When a matter is seconded, the Mayor shall restate the motion or resolution and open the floor for debate.

- a) Three-minute Rule. Councilmembers speaking on a matter shall confine their remarks strictly to the matter under consideration, and shall limit their remarks to three minutes in duration.
- b) Vote Required when Present. Every Councilmember present when a question is stated from the presiding officer shall vote thereon, unless the Councilmember has declared a conflict of interest in the outcome of the question under consideration.
- c) Motion or Resolution Withdrawn. After a motion or resolution is seconded and stated by the Mayor, it may be withdrawn at any time before decision, but if any amendment has been proposed and adopted, it shall not be withdrawn without the consent of the mover of such amendment.
- d) Several Distinct Propositions. If the question in debate contains several distinct propositions, any Councilmember may have the same divided, and the item(s) considered separately.

Votes Recorded.

In all cases where a resolution or a motion is entered in the minutes of the City Council, the name of the Councilmember moving the same shall be stated in the minutes.

- a) “Yeses” and “Nos” Recorded. The “yeses” and “nos” upon any question shall be entered in the minutes.
- b) Blanks. When a blank is to be filled, and different sums or times are proposed, the question shall be taken first on the largest sum, or the longest time.

PROCEDURE FOR MAKING A MOTION

When a Councilmember wishes to propose an idea for discussion and possible action, the Councilmember must make a motion. In order to make a motion, these steps must be taken:

- a) The Councilmember asks to be recognized by the presiding officer.
- b) After being recognized, the Councilmember makes the motion (“I move...”).
- c) Another Councilmember seconds the motion.
- d) The presiding officer states the motion and asks for discussion.
- e) When there has been sufficient discussion, the presiding officer will close debate (“Are you ready for the question?” or “Is there any further discussion?”).
- f) If no one requests to make additional comments, the presiding officer puts the question to vote.
- g) After the vote, the presiding officer announces the outcome of the motion (“The motion is carried” or “Motion fails”).

Until the presiding officer states the motion (step d), the Councilmember making the motion may rephrase (amend) or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. It is particularly important when a motion is amended that the presiding officer restate the motion, as amended.

In making a motion, Councilmembers must avoid combining multiple proposals in the same motion. If a Councilmember prefers to see proposals divided and voted upon separately, the Councilmember should ask the presiding officer to divide the motion into separate motions for consideration. The presiding officer may then proceed to treat each distinct proposal as a distinct motion, each requiring its own second, and to be acted upon separately. The presiding officer should solicit motions when the situation demands by either inviting a motion or suggesting a motion to the Councilmembers.

THE FOUR BASIC MOTIONS

Common Motions.

- a) The basic motion. Puts forward a decision for consideration. Example: “I move that we create a five-member committee to plan the annual fundraiser.”

- b) The motion to amend. Changes a basic motion under consideration. Example: “I move we amend the motion to have a ten-member committee.” A motion to amend requires a second and must be decided before the Council returns to consideration of the original motion.
- c) The motion to postpone to a date certain. Proposes delay in further discussion of the matter under consideration until a specific, stated time at which the item will be debated further. Example: “I move we postpone further discussion of this item until our first regular meeting in October.”
- d) The motion to lay on the table. Postpones discussion of an item indefinitely, unless taken off the table. Example: “I move we table this item.” Tabling an item leaves it on the table and no specific time is stated for further discussion. It stays “on the table,” until a later agenda item provides notice it will be brought from the table for further discussion.

DEBATE

Most motions, except for procedural motions, such as calling the previous question, adjournment, etc., are debatable. Debate may continue as long as Councilmembers wish to discuss an item, subject to any motion for previous question, which ends debate. Absent a successful motion for previous question, debate will end if the presiding officer solicits further comments and none are forthcoming.

Some motions are not debatable. The presiding officer should immediately call for a vote of the Council, without debate on the following:

- a) Motion to Adjourn. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- b) Motion to End Debate or the “Previous Question.” The most common form of this motion is to say: “I move the previous question,” or “I move the question,” or “I call for the question.” When a Councilmember makes such a motion, the Councilmember is really saying, “I’ve had enough debate. Let’s get on with the vote.” The motion requires a second. If the motion carries by two-thirds (2/3) majority of those Councilmembers present, all further debate is concluded, and the question put in this order: first upon the amendments pending, and then upon the main proposition before the Council.
- c) Motion to Limit Debate. An alternative to the previous question is a motion to limit debate, which includes, by its stated terms, a time limit. For example: “I move we limit debate on this agenda item to fifteen minutes.” The motion to limit debate requires a two-thirds (2/3) vote of the Council.
- d) Motion Objecting to Consideration. A similar motion is a motion objecting to consideration of an item. This motion is not debatable and, if passed, precludes the

Council from even considering an item on the agenda. It also requires a two-thirds (2/3) vote.

- e) Motion to Lay on the Table. A motion to lay a question upon the table is not debatable.
- f) Motion to Postpone to a Date Certain. A motion to postpone to a date certain is not debatable (except for discussion of the specific date).
- g) Motion to Refer to Committee. This motion directs that the item under consideration be sent to a committee for further analysis and recommendations.
- h) Motion to Fix the Time to Adjourn. This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
- i) Motion to Recess. This motion, if passed, requires the Council to immediately take a recess. Normally, the presiding officer determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

MAJORITY AND SUPER-MAJORITY VOTES

In addition to the specific rules for passage of motions, resolutions and ordinances as set by State law, there are procedural exceptions to the rule of passage by a simple majority. The exceptions occur when the City Council is taking an action that effectively cuts off the ability of a minority opinion to take an action or discuss an item. These extraordinary motions require a two-thirds (2/3) majority (a super-majority) to pass:

- a) Motions to Limit Debate. Whether a Councilmember says, "I move the previous question," "I move the question," "I call for the question," or "I move to limit debate," these motions, if successful, cut off the ability of the minority to discuss an item.
- b) Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary, because the objectionable item is usually tabled or defeated. However, when Councilmembers do not wish there to be any consideration of an item, such a motion is in order. It is not debatable.

MOTION TO RECONSIDER

After a vote is taken, the matter is deemed concluded and is subject to reconsideration only upon a timely motion. A motion to reconsider shall only be made by a Councilmember who originally voted in favor of the measure (i.e., a Councilmember on the prevailing side). A motion to reconsider requires a two-thirds (2/3) majority vote to pass, but there are two limitations: First, a motion to reconsider may be made at the meeting where the item was first voted upon. The motion maybe

made at any time before adjournment. A motion to reconsider may also be made in the case of a failed measure, if made at a subsequent meeting within ten (10) days of the original measure's failure by a Councilmember who voted against the measure.

If the motion to reconsider passes, then the original matter is back before the City Council, and a new original motion is in order.

The matter may be discussed and debated as if it were on the floor for the first time.

Once a matter has been duly reconsidered, no further motion to reconsider the issue can or shall be made without the unanimous consent of the City Council.

No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. This rule does not prevent substantively different iterations of the measure from being brought forth at later meetings of the Council. Further, once a new City Council is seated following the next regular election, any matter may be revived.

LIMITING DEBATE AND DISCUSSION

Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including Councilmembers, in the interest of efficiently and effectively using time.

Generally, a Councilmember will not be interrupted by other Councilmembers, but may be under the following circumstances:

- a) Privilege. The proper interruption would be: "Point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the comfort of the meeting participants. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- b) Order. The proper interruption would-be: "Point of order." The Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Mayor moved to a vote on a motion that permits debate without allowing discussion or debate.
- c) Appeal. If the Mayor makes a ruling with which a Councilmember disagrees, that Councilmember may appeal the ruling of the Mayor to the parliamentarian.
- d) Call for Orders of the Day. This is another way of saying, "Let's return to the agenda." If a Councilmember believes the Council has drifted from the agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.

- e) Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other Councilmember may make the motion, if properly recognized.

ADJOURNMENT

When the City Council has finished its business, the Mayor may declare the meeting adjourned.

MINUTES

Minutes of all proceedings of the City Council shall be kept by the City Clerk, or designee, and shall be entered in the official record of the Council. Minutes of the proceedings shall be open to public inspection, except those of closed sessions. Minutes shall be published in a newspaper of general circulation within fifteen (15) days of the Council meeting, as required by the Iowa Code. City Council policy does not require that minutes be recorded verbatim. Minutes record the essence of decisions made and of actions taken. Minutes shall show the date, time and place of the meeting, Councilmembers present, action taken, the results of each vote taken and information sufficient to indicate the vote of each Councilmember present.

Minutes of meetings and closed session recordings are retained as required by State law. Minutes of all meetings must be prepared by the City Clerk, or the City Clerk's designee, secretary of the board, committee or commission, or that body's staff liaison. A copy of all such minutes must be filed with the City Clerk's office. Upon approval by the board, committee or commission, written minutes constitute the official record of its activities. Personal notes or recordings made by the City Clerk for personal reference and convenience in preparing minutes shall not be considered part of the record and need not be preserved.

Additions and corrections to the minutes may be made only in public meetings, with the approval of the Council, and not by private request of individual Councilmembers.

Minutes of boards, committees and commissions are available on the City's website for viewing by the City Council and general public.

CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

Please refer to the Board and Commission Manual for more information. Any resident of Marshalltown may be considered a candidate for appointment to boards, committees and commissions. Applicants complete an application form stating their interests and background information. Appointments on boards, committees or commissions are announced by the Mayor at regular City Council meetings. Applications for these appointive positions are available at the City Clerk's office and on the City of Marshalltown's website. The completed applications are reviewed

by the Mayor, who recommends appointees to the Council. Final appointment is made by an affirmative vote of a majority of the City Council.

Purpose of Committees, Boards and Commissions.

As permitted by the Iowa Code and the Marshalltown Code of Ordinances, the Mayor and/or the City Council may create committees, boards and commissions to assist with such public duties as the Council may specify. All Councilmembers, the Mayor, City Administrator and City Attorney are welcome to attend any meeting of a committee, board or commission. Notice of committee, board and commission meetings will be given to the entire Council and the Mayor and posted for the public.

Any special or ad-hoc committee will be formally approved by the City Council. When a board, committee or commission is established by the City Council, the specific duties of the group are set forth in the ordinance or resolution which created it. An advisory body is limited to consideration of those matters specifically assigned to it. If a commission, board or committee determines its activities should be expanded beyond its existing authority, the commission, board or committee should formally request specific authorization from the City Council to consider the additional matters and to formulate recommendations accordingly.

Special committees shall report their findings and recommendations in writing. All recommendations shall be approved by a majority of the committee before presentation to the City Council as a whole, though a minority report and recommendation may likewise be made, and the Council shall consider both reports. Committees will make reports to the City Council as requested by the Council. All committee recommendations, decisions or proposed actions shall be subject to the final approval and adoption of the City Council. Upon submission of a final report to the City Council, the special or ad-hoc committee shall dissolve, unless tasked with additional work by the Council.

Special committees of the City Council shall be empowered to require the attendance of witnesses, and for that purpose, the chairperson of such committee is authorized to issue subpoenas. Subpoenas shall be provided to the Chief of Police, who shall immediately cause service of the same on the summoned individuals, in the usual manner required by law.

Membership and Selections.

Membership and selection of members shall be as provided by the Mayor and the City Council if not specified by the Code of Iowa or the Code of Ordinances. No committee so appointed shall have powers other than advisory to the City Council or the City Administrator, except as otherwise specified by the Code of Ordinances or the Code of Iowa. Members of boards, committees and commissions should be independent of the City Council, or other boards, committees and commissions, and of other governmental units, so they may exercise unbiased judgment in addressing the tasks and issues before them.

Gender Balance.

In 2009, the Iowa Legislature passed a law requiring appointive boards and commissions to be gender balanced by 2012, or as close as possible for boards and commissions with an uneven number of members. Only after making a good faith effort for 90 days to find sufficient volunteers to create

gender balance may the City proceed to fill positions in a manner which does not evenly balance boards and commissions.

Ineligible Appointments.

The following persons shall not be eligible for appointments to standing boards, committees or commissions of the City of Marshalltown:

- a) Spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, stepmother, stepfather, stepchild, aunt or uncle of a current City Councilmember.
- b) A current member of a comparable County board, committee or commission, unless dual or joint memberships are provided for in the ordinance, resolution or statute, which creates the board, committee or commission to which appointment is being made.

Council and Commission Effectiveness.

The City Council and all appointed advisory boards, committees and commissions are policy-oriented groups. The advisory groups operate as satellite units, which focus on particular concerns, issues or problems in the community. When an advisory board, committee or commission has an item on a City Council meeting agenda, a representative from that body shall be present at the City Council meeting. Similarly, when a member of any board, committee or commission addresses the City Council at a public meeting, he or she should always clearly state whether he or she is speaking on behalf of the advisory group or as an individual.

Interactions with City Council – Procedural Guidelines.

The City Council considers input and recommendations from a variety of sources in its decision-making process. Therefore, the Council may not always follow the specific recommendations of any one particular board, committee or commission in adopting policy or procedure. Once the Council has established its position, members of advisory groups may continue to have reservations or individual objections. As representatives of the larger group, however, members should remember they are expected to act in a manner consistent with the established policy and/or program as approved by the City Council.

Council Policy on Legislative Issues.

The City Council is ultimately responsible for establishing City policy and determines the public position of the City on legislative matters. Therefore, commissions, boards or committees shall not issue public statements on legislation pending before the City Council, unless said statements are reviewed and approved by the Council.

This policy is not intended to prevent advisory groups from carrying out their normal functions publicly and openly; rather, its purpose is to establish that boards, committees and commissions do not issue policy statements or take public positions which fall within the purview of the City Council.

Submitting a Formal Request for Consideration – Procedure.

In the event a board, committee or commission wishes to request the City Council endorse or approve a particular position or idea formulated by the board, committee or commission, said request should first be reflected in the minutes of the meeting of the board, committee or commission at

which the action was approved. Following such action, the board, committee or commission's secretary or staff liaison should submit a written request to the City Council, with a copy to the City Administrator's office for inclusion on the agenda of an upcoming Council committee or City Council meeting. In the interim, copies of the request will be made available to all Councilmembers. The communication should include the degree of urgency and a specific statement of the action requested.

Relations with the Public.

Councilmembers and members of appointed boards, committees or commissions are encouraged to maintain awareness of public opinion. Citizen input should be welcomed and heard at meetings, and members should be considerate of all interests, attitudes and differences of opinion. Members should be vigilant about maintaining not only the appearance, but also the principle of impartiality.

Conflicts of Interest.

To determine whether an applicant to a board, commission or committee has a conflict of interest, applicants should review Chapters 362.5, 362.6 and 403A of the Code of Iowa. Assistance is available from the City Attorney's office if applicants have questions about this matter.

In the event a City Councilmember determines that he or she has a direct, definite (demonstrable) conflict of interest regarding an issue before the Council, that conflict should be clearly stated at the beginning of Council deliberations. Councilmembers should consult the City Attorney, or private counsel of their own choosing, prior to deliberating or voting on a matter on which the Councilmember believes he or she may have a conflict of interest. The matter of what constitutes a "conflict of interest" is often misunderstood and misstated. People elected to public office are frequently motivated to seek office because of their personal interest in certain issues. The mere fact that their lives may generally be affected, either positively or negatively, by a decision of the City Council does not, by itself, create a conflict of interest. Rather, a legally significant conflict of interest stems from a conflict between a direct, definite and demonstrable personal interest of the Councilmember (particularly pecuniary, business or familial) and the judgment the Councilmember must exercise in the matter to be decided. Whether a conflict of interest exists can only be determined by applying the individual facts to the law. Again, Councilmembers should consult legal counsel if in doubt about a conflict of interest issue.

Another matter arises from time to time which may create the appearance of a conflict of interest. Elected officials are frequently solicited to join such organizations as the Chamber of Commerce, Marshall Economic Development, etc. Participation in these organizations results in an exchange of valuable information and views. Nevertheless, when such an organization takes a position in favor of or in resistance to a proposal pending before the City Council, at the very least the appearance of a conflict of interest exists. It may appear to the layperson that membership in the organization involved would create an irreconcilable conflict of interest. A case might be made that a City Councilmember has a conflict of interest while he or she is a member of an organization, if that organization appears before the City Council and takes an official position on an issue. Under such circumstances, it may be advisable for elected officials to abstain from voting on that issue. Again, consultation with legal counsel is advised.

City officers or employees are restricted by Iowa Code Section 362.5 with regard to direct or indirect benefits they may receive from any contract performed for the City. That Code section provides as follows: “A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work, or material, or the profits thereof, or services to be furnished or performed for the officers or employees of the City. A contract entered into in violation of this section is void.”

Gifts.

The State of Iowa covers restrictions of gifts in Iowa Code Chapter 68B. Any questions regarding the acceptance of gifts should be directed to the City Attorney.

The City Council feels it is important to recognize special achievements among its citizens and employees. For that reason, the Council has authorized the purchase of plaques, certificates and memorabilia for the purpose of distinguishing special service. City staff is authorized to purchase such materials as necessary to carry out this policy.

Communications between Staff, City Council and Advisory Groups.

The City Hall administrative staff report to the City Administrator and it is the City Administrator’s responsibility to direct and allocate staff time. Similarly, City Councilmembers and board, committee and commission members schedule their meetings so City staff may be available to carry out day-to-day business. The City Administrator will assign staff liaisons to assist boards, committees and commissions as necessary. Boards, committees and commissions meet regularly and, as a group, present their issues and concerns to the City Council through reports and recommendations.

Advisory groups will consider the recommendations and proposals of the City Administrator and City staff. If the board, committee or commission is not in agreement with the recommendations of the City staff, the City Administrator should describe any difference of opinion in writing to the City Council. Any differences of opinion may be discussed at the Council meeting.

Removal of Members of Boards and Commissions.

If the Mayor or the City Council wishes to remove an appointee, they shall follow the procedures required by State law or City Code.

Abolishment of a Board or Commission.

The abolishment or modification of a board or commission shall be done in accordance with applicable State law or City Code.

FISCAL MATTERS

The financial plan for the City’s operating revenues and expenditures plus capital improvements is prepared according to State law and specific guidelines provided by the City Administrator.

Departments develop capital projects deemed necessary according to requests from the City Council, boards, committees or commissions, the public, or the departments themselves. Any funds to be spent by boards, committees or commissions are budgeted in the financial plan of the department, which works with each respective body. Typically, a board, committee or commission that oversees

operations of a department (such as the Library Board of Trustees or Water Works) will review and approve its financial plan before it is submitted to the City Administrator.

The City Council will hold work sessions to review and finalize the entire financial plan. In accordance with State regulations, the proposed one-year budget is published in the local newspaper in general circulation, prior to a public hearing. The City Council simultaneously holds a public hearing on the entire financial plan and one-year budget and adopts them at the same time. The one-year budget is required by the State and must be adopted by March 15 of each year.

Purchasing Procedures.

For purchasing procedures for the City of Marshalltown, see the Purchasing Policy.

PART 2. PUBLIC PARTICIPATION IN MEETINGS

GENERAL

One of the goals of the City Council rules is to create an atmosphere of efficiency, fairness and maximum participation. It is the responsibility of the Mayor, the Councilmembers, City staff and members of the public to maintain common courtesy and decorum throughout any meeting.

Members of the public have the right to attend City Council meetings, subject to the need to maintain order and space limitations.

The City Council meeting space will, to the extent possible, be arranged so that all interested persons can observe the meeting and hear all Council discussions and votes.

The Mayor, Councilmembers, City staff and members of the public should speak one at a time in a civil and courteous manner so as to be heard by all persons in attendance.

All cell phones or other communication devices should be silenced during City Council meetings. No one should take a voice phone call during a Council meeting without first leaving the Council chambers and closing the chamber doors.

PUBLIC PARTICIPATION

All persons attending are asked to observe the following when speaking:

- a) Only persons recognized by the Mayor will be allowed to speak. During public hearings or at other allowable times, members of the public will not address items on the agenda unless and until recognized by the presiding officer.
- b) A person recognized to speak should approach the podium, state his or her name and address, and make his or her statement as briefly as is possible. Speaking times are limited to three (3) minutes.

- c) All speakers shall speak clearly and direct their comments to the Mayor and City Council and not to any Councilmember specifically.
- d) A person recognized to speak should maintain a courteous and polite demeanor, as well as refrain from using inappropriate, combative, profane or abusive language, or attacking the character of City officials and employees in a personal manner.
- e) Persons may address the City Council for the reading of protests, petitions or communications relating to any matter over which the Council has jurisdiction. When anyone appears before the City Council stating he or she has a petition, the Mayor will accept the petition and the minutes will reflect that action. The Mayor and City Council are not permitted to respond to or engage in debate or discussion concerning subjects raised by members of the public which are not on the posted agenda.
- f) A person should not address the City Council about issues that are known to be within the responsibility of other City staff/officials and have not been previously presented to that responsible party.
- g) Persons should not engage other members of the public while addressing the City Council or engage individual Councilmembers in a discussion, except as permitted by the Mayor.

Councilmembers may, in their individual discretion, make themselves available to persons attending the meeting before or after the City Council meeting.

HANDLING REQUESTS DURING MEETINGS

The City Council may not take action on any matter not specifically posted on the agenda. However, City staff may note any request for immediate action by City staff or, if necessary, by the City Council at a later meeting.

PART 3. PUBLIC RECORDS AND OPEN MEETINGS LAW

PUBLIC RECORDS/OPEN RECORDS

Availability of public records is governed by the Iowa Open Records Law, Iowa Code Chapter 22.

OPEN MEETINGS LAW

The Iowa Open Meetings Law is addressed in Iowa Code Chapter 21.



COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET
October 9, 2017, at 5:30 PM

NOTICE to PUBLIC: the Mayor and City Council welcome comment from the public during discussion. You are required to step to the microphone, state your name and address for the record and to limit the time used to present your remarks in order that others may be given the opportunity to speak.

CALL to ORDER: Mayor James L. Lowrance

PLEDGE of ALLEGIANCE:

ROLL CALL: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin.

MAYOR, COUNCIL and ADMINISTRATOR COMMENTS:

Introduction:
Police Reserve Officer – Raquel Zamora

APPROVAL of AGENDA:

CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.

1. Approve Council meeting Minutes of September 25, 2017.
2. Approve Bill List in the amount of \$1,482,598.05.
3. Resolution 2017-279 Approving Change Order #1 TIF District 4 Sidewalk & Ramp Repair Project SDW17002, an increase in the amount of \$1,734.10.
4. Resolution 2017-280 Approving Certificate of Completion and Final Project Costs for the TIF District 4 Sidewalk & Ramp Repair Project SDW17002, final cost of \$85,983.60.
5. Resolution 2017-281 Approving Change Order #1 Asphalt Mill and Overlay Project STR17003, an increase in the amount of \$90,092.26.
6. Resolution 2017-282 Approving Certificate of Completion and Accepting The Asphalt Mill and Overlay Project STR17003, with a final cost of \$1,047,287.46.
7. Resolution 2017-283 Approving Contract Change Order #3 for the Turner Street Force Main 59012009, a decrease of \$192,266.85.
8. Resolution 2017-284 Approving Engineer's Statement of Completion and Final Costs, Turner Street Force Main 59012009, in the amount of \$4,017,631.06.
9. Resolution 2017-285 Approving Certificate of Completion and Final Project Costs with A1A Sandblasting, in the amount of \$41,736, for painting of the Main Pool at the Marshalltown Family Aquatic Center Project PRK17005.

(end of consent agenda items)

PUBLIC HEARING – SSMID hearing canceled due to receipt of petition against proposal

RESOLUTIONS:

10. Resolution 2017-286 Supporting Iowa Great Places Grant Application for the Veterans Memorial Coliseum Project and Committing the Required Matching Funding.

Visit www.ci.marshalltown.ia.us

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.



11. Resolution 2017-287 Approving Revised City of Marshalltown City Council Manual, originally adopted January 1996. (distributed separately)
12. Resolution 2017-288 Approving a Contract with Swift Pork Company for Providing Confined Space and High Angle Rescue Response Services.

DISCUSSION:

13. Fixed Asset Policy
14. Purchasing Policy
15. Purchasing Card Policy
16. Strategic Plan 3rd quarter update

PUBLIC COMMENT:

ADJOURNMENT:

Visit www.ci.marshalltown.ia.us

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.



COUNCIL PROCEEDINGS

September 25, 2017

The Marshalltown City Council met in regular session on September 25, 2017, at 5:30 PM, in the Council Chambers at City Hall. Mayor Lowrance called the meeting to order and led the Pledge of Allegiance. Present: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin. Greer was fully participated via speakerphone until 6:35 PM and was physically present at 6:41 PM. Lamer moved to approve the agenda, second by Kester. Motion approved 7-0.

CONSENT AGENDA:

Martin moved to approve the Consent Agenda: Approve Council meeting Minutes of September 11, 2017; Approve Bill List in the amount of \$2,140,367.45; Receipt of August 2017, Building Report; Resolution 2017-237 Approving Release and Covenant Not to Sue Agreement with Joni L. Burroughs; Resolution 2017-238 Approving and Adopting the Annual Street Financial Report for the fiscal year ending June 30, 2017; Resolution 2017-240 Authorizing the Marshalltown Parks and Recreation Department to Enter into an Agreement to Rent the Pleasant Hills Pool at 909 S 12th Street for Swimming Lessons throughout the 2018 Calendar Year; Resolution 2017-241 Approving Violence Against Women Act Grant Agreement for Fiscal Year 2017-2018; Liquor License Renewals: Tacos y Mariscos Maravilla, Haleys Deli BBQ and Catering, TC's, Casey's General Store #3228; second by Lamer. Consent agenda adopted 7-0.

Wirin moved to rescind the previous City Council action regarding denial of the Jacob's Petition for Severance, second by Gowdy. The merit being the Jacob's reside in the county and only a 24 foot strip of land adjacent to their property is in the city. Motion carried 7-0.

RESOLUTIONS:

Martin moved to adopt Resolution 2017-242 Approving the Application for Severance of Parcel 8318-14-454-005 owned by Gregory and Linda Jacobs, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-243 Approving Engineering Design Services Contract with HR Green, Inc., for Highway 14 project STR17001, in the amount of \$233,000, second by Kester. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-244 Accepting bid and Awarding Contract to Jasper Construction for the Center Street Bridge over Linn Creek, \$95,625, second by Kester. Resolution adopted 7-0.

Kester moved to adopt Resolution 2017-245 Accepting Transportation Alternatives Program (TAP) funding for Iowa River Trail, \$247,500, second by Wirin. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-246 Authorizing the Issuance of \$12,720,000 General Obligation Municipal Building Bonds, Series 2017, and Providing for the Levy of Taxes to Pay the same, approving the Continuing Disclosure Certificate and Paying Agent and Registrar and Transfer Agent Agreement, second by Gowdy. Resolution adopted 7-0.

Kester moved to adopt Resolution 2017-247 Authorizing the City Housing and Community Development Department to Submit a Fair Housing Initiative Program Grant to the US Department of Housing & Urban Development, second by Wirin. Resolution adopted 7-0.

PUBLIC HEARING – subordination of lien position

Mayor Lowrance declared the public hearing open regarding the lead hazard lien subordination for 310 Green Mountain Road, Green Mountain. Housing and Community Development Director Spohnheimer recommended approval. There were no public or written comments either for or against the proposal. Mayor Lowrance declared the public hearing closed.

Lamer moved to adopt Resolution 2017-249 Adopting Tentative Resolution Accepting the Subordination Agreement for property interest at 310 Green Mountain Road, Green Mountain, IA, lead abatement project 53514097, second by Martin. Resolution adopted 7-0.

ORDINANCES:

Gowdy moved to adopt the second reading of Ordinance 14969 to Amend the Code of Ordinances, City of Marshalltown, Iowa, by amending Sections in Chapter 28, Waters and Sewer, of the City Code, Division 4, Relating to Nonresidential Pre-treatment Regulations, second by Lamer. Second Reading adopted 7-0.

Hoop moved to waive the third reading of, and adopt Ordinance 14969, second by Gowdy. Third reading waived and Ordinance 14969 adopted, 7-0.

COUNCIL PROCEEDINGS

September 25, 2017

ORDINANCES AND RESOLUTIONS - SALE OF PROPERTY:

PUBLIC HEARING – vacate alley by ordinance and convey by quit claim deed

Mayor Lowrance declared the public hearing open regarding Vacate portions of Swayze Street and Union Street east of North 8th Avenue, and to Convey Same to Crystal Distribution Services Inc. Public Works Director Nickel informed the council existing easements will be maintained. There were no public or written comments either for or against the proposal. Mayor Lowrance declared the public hearing closed.

Lamer moved to adopt the second reading of, waive the third reading and adopt Ordinance #14968 to Vacate portions of Swayze Street and Union Street east of North 8th Avenue, and to Convey Same to Crystal Distribution Services Inc., setting Public Hearing September 25th, and to approve Resolution 2017-250 Adopting Tentative Resolution 2017-234 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Crystal Distributing, INC, and Authorizing Execution and Delivery of a Quit Claim Deed, Sale price of \$100 plus other good and valuable consideration, second by Greer. Second reading adopted, third reading waived, Ordinance 14968 adopted and Resolution 2017-234 approved upon 7-0 vote.

Greer moved to adopt Resolution 2017-251 Accepting Bid and Authorizing the Award of Contract to Caliber Concrete LLC for the Marshalltown Police and Fire Headquarters: Bid Package 02-2 Sidewalks & Paving 011200.22 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$520,000.00 and Resolution 2017-252 Approving Contract and Bond with Caliber Concrete LLC for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 02-2 Sidewalks & Paving 011200.22 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$520,000.00, second by Wirin. Resolutions adopted 7-0.

Kester moved to adopt Resolution 2017-253 Accepting Bid and Authorizing the Award of Contract to Caliber Concrete LLC for the Marshalltown Police and Fire Headquarters: Bid Package 03-1 Concrete Foundations & Flatwork 011200.31 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$667,000.00 and Resolution 2017-254 Approving Contract and Bond with Caliber Concrete LLC for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 03-1 Concrete Foundations & Flatwork 011200.31 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$667,000.00, second by Gowdy. Resolutions adopted 7-0.

Lamer moved to adopt Resolution 2017-255 Accepting Bid and Authorizing the Award of Contract to Corrado Homes LLC DbA Corrado Construction for the Marshalltown Police and Fire Headquarters: Bid Package 04-1 Masonry 011200.41 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$1,251,000.00 and Resolution 2017-256 Approving Contract and Bond with Corrado Homes LLC DbA Corrado Construction for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 04-1 Masonry 011200.41 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$1,251,000.00, second by Martin. Corrado Construction answered questions regarding their bid. Resolutions adopted 5-2 with Lamer and Martin opposed.

Kester moved to adopt Resolution 2017-257 Accepting Bid and Authorizing the Award of Contract to Central Western Fabricators, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 05-1 Steel 011200.51 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$795,500.00 and Resolution 2017-258 Approving Contract and Bond with Central Western Fabricators, Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 05-1 Steel 011200.51 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$795,500.00, second by Gowdy. Resolutions adopted 7-0.

Lamer moved to adopt Resolution 2017-259 Accepting Bid and Authorizing the Award of Contract to Garling Construction, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 06-1 General 011200.61 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$1,197,000.00 and Resolution 2017-260 Approving Contract and Bond with Garling Construction, Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 06-1 General 011200.61 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$1,197,000.00, second by Martin. Resolutions adopted 7-0.

Greer left the meeting at 6:35 PM.

COUNCIL PROCEEDINGS

September 25, 2017

Kester moved to adopt Resolution 2017-261 Accepting Bid and Authorizing the Award of Contract to Black Hawk Roof Company Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 07-1 Membrane Roofing & Wall Panels 011200.71 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$568,589.00 and Resolution 2017-262 Approving Contract and Bond with Black Hawk Roof Company Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 07-1 Membrane Roofing & Wall Panels 011200.71 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$568,589.00, second by Lamer. Resolutions adopted 6-0.

Gowdy moved to adopt Resolution 2017-263 Accepting Bid and Authorizing the Award of Contract to Cable Glass, LLC DbA Forman Ford for the Marshalltown Police and Fire Headquarters: Bid Package 08-1 Al Storefronts, Curtainwalls & Glazing 011200.81 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$636,900.00 and Resolution 2017-264 Approving Contract and Bond with Cable Glass, LLC DbA Forman Ford for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 08-1 Al Storefronts, Curtainwalls & Glazing 011200.81 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$636,900.00, second by Martin. Resolutions adopted 6-0.

Lamer moved to adopt Resolution 2017-265 Accepting Bid and Authorizing the Award of Contract to Hilsabeck Schacht, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 09-1 Gypsum Wall Assemblies 011200.91 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$1,092,350.00 and Resolution 2017-266 Approving Contract and Bond with Hilsabeck Schacht, Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 09-1 Gypsum Wall Assemblies 011200.91 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$1,092,350.00, second by Wirin. Resolutions adopted 6-0.

Kester moved to adopt Resolution 2017-267 Accepting Bid and Authorizing the Award of Contract to Allied Construction Services, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 09-2 Floor Coverings 011200.92 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$227,500.00 and Resolution 2017-268 Approving Contract and Bond with Allied Construction Services, Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 09-2 Floor Coverings 011200.92 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$227,500.00, second by Wirin. Resolutions adopted 6-0.

Greer arrived at 6:41 PM.

Wirin moved to adopt Resolution 2017-269 Accepting Bid and Authorizing the Award of Contract to Heartland Finishes, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 09-3 Painting 011200.93 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$175,315.00 and Resolution 2017-270 Approving Contract and Bond with Heartland Finishes, Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 09-3 Painting 011200.93 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$175,315.00, second by Lamer. Resolutions adopted 7-0.

Wirin moved to adopt Resolution 2017-271 Accepting Bid and Authorizing the Award of Contract to Schumacher Elevator Company for the Marshalltown Police and Fire Headquarters: Bid Package 14-1 Elevators 011200.141 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$ 71,255.00 and Resolution 2017-272 Approving Contract and Bond with Schumacher Elevator Company for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 14-1 Elevators 011200.141 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$71,255.00, second by Greer. Resolutions adopted 7-0.

Kester moved to adopt Resolution 2017-273 Accepting Bid and Authorizing the Award of Contract to Blackhawk Automatic Sprinklers, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 21-1 Fire Suppression 011200.211 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$106,050.00 and Resolution 2017-274 Approving Contract and Bond with Blackhawk Automatic Sprinklers, Inc. for Construction of the Marshalltown Police and Fire

COUNCIL PROCEEDINGS

September 25, 2017

Headquarters: Bid Package 21-1 Fire Suppression 011200.211 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$106,050.00, second by Gowdy. Resolutions adopted 7-0.

Greer moved to adopt Resolution 2017-275 Accepting Bid and Authorizing the Award of Contract to Tony's Plumbing & Heating, LLC for the Marshalltown Police and Fire Headquarters: Bid Package 22-1 Plumbing & Mechanical 011200.221 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$1,811,761.00, Resolution 2017-276 Approving Contract and Bond with Tony's Plumbing & Heating, LLC for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 22-1 Plumbing & Mechanical 011200.221 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$1,811,761.00, second by Martin. Resolutions adopted 7-0.

Lamer moved to adopt Resolution 2017-277 Accepting Bid and Authorizing the Award of Contract to Devries Electric, Inc. for the Marshalltown Police and Fire Headquarters: Bid Package 26-1 Electrical, Communications & Security 011200.261 Project in the City of Marshalltown, Iowa being Project No. BLD17001 in the amount of \$1,013,000.00 and Resolution 2017-278 Approving Contract and Bond with Devries Electric, Inc. for Construction of the Marshalltown Police and Fire Headquarters: Bid Package 26-1 Electrical, Communications & Security 011200.261 Project in the City of Marshalltown, Iowa, being Project No. BLD17001 in the amount of \$1,013,000.00, second by Greer. Resolutions adopted 7-0.

DISCUSSION:

The council discussed if the city should participate in removal of blighted private structures in tax increment financing districts. The council expressed interest in bringing the topic back to another agenda for future discussion; questioning the definition of "blighted structure" and setting of precedence.

Included in the packet was a revised draft of the Council manual /Rules of procedure. The council will consider the draft at the October 9 council meeting.

PUBLIC COMMENT:

Fauna Nord, President of the Marshalltown Central Business District, announced the SSMID project has stopped due to the petition in opposition, and encouraged participation while new plans for the downtown area are formulated. Public Works Director Nickel announced the bridge over Linn Creek on South Center Street is scheduled for repair this fall and will be out of service for two to three weeks.

ADJOURNMENT

The meeting adjourned at 7:14.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING CONTRACT CHANGE ORDER #1 FOR THE TIF DIST-4
SIDEWALK & RAMP PROJECT # SDW 17002

AN INCREASE OF \$1,734.10

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with Day Construction, Inc., for the labor and material for the TIF Dist-4 Sidewalk & Ramp Project #SDW17002; and

WHEREAS an increase is requested for additional items to complete the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section1. That the contract Change Order #1 for the TIF Dist-4 Sidewalk & Ramp Project, in the increased amount of \$1,734.10 is hereby accepted and approved.

Passed this 9th day of October 2017, and signed this ____ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CHANGE ORDER

OWNER: CITY OF MARSHALLTOWN, IOWA
DEPARTMENT OF PUBLIC WORKS

CONTRACTOR: DAY CONSTRUCTION, LLC
1721 TAYLOR AVENUE
MARSHALLTOWN, IA. 50158

PROJECT: 2017 TIF DIST 4 – SIDEWALK & RAMP REPAIR

SUBJECT: CHANGE ORDER #1

PROJECT NUMBER: SDW 17002

DATE: SEPTEMBER 2ND, 2017

You are hereby ordered to make the following changes from the plans or do the following work on your contract for the above referenced project.

A) DESCRIPTION OF CHANGES TO BE MADE OR EXTRA WORK TO BE DONE:

CONTRACT ITEMS:

- 7001) Decrease the amount of 4" PCC Sidewalk Remove & Replace, Class C by 599.4 square feet
- 7002) Decrease the amount of 6" PCC Sidewalk Remove & Replace, Class C by 172.6 square feet
- 7003) Increase the amount of 30" Curb & Gutter, Remove & Replace by 195.5 linear feet

B) REASON FOR ORDERING CHANGES OR EXTRA WORK:

CONTRACT ITEMS:

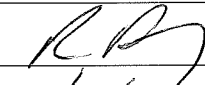
- 7001) The decrease in the amount of 4" PCC Sidewalk Remove & Replace, Class C was due to an overestimate of plan quantity
- 7002) The decrease in the amount of 6" PCC Sidewalk Remove & Replace, Class C was due to an overestimate of plan quantity
- 7003) The increase in the amount 30" Curb & Gutter, Remove & Replace was due to including additional damaged curb & gutter in the established work areas

Original Contract Price:	\$ 84,249.50
Change Order #1 Net Value:	\$ 1,734.10
Final Contract Price:	\$ 85,983.60

Receipt is acknowledged of this change order and terms of settlement are hereby agreed to.

CONTRACTOR: DAY CONSTRUCTION, LLC

CITY ENGR: _____

BY: X 

DATE: _____

DATE: 9/6/17

PROJECT ENGR: _____

DATE: _____

CITY OF MARSHALLTOWN
PROJECT NO. SDW 17002
2017 TIF DIST 4 - SIDEWALK & RAMP REPAIR

Change Order: 1
"Final Quantities"

Contractor: Day Construction, LLC

CONTRACT AMOUNT: \$84,249.50

ITEM NO.	ITEM	QUANTITY	UNIT	CONTRACT PRICE	COMPLETE TO DATE	DOLLAR AMOUNT
1	4" PCC Sidewalk Remove & Replace, Class C	5,931.0	SF	\$ 6.90	5,331.6	\$ 36,788.04
2	6" PCC Sidewalk Remove & Replace, Class C	3,834.0	SF	\$ 7.90	3,661.4	\$ 28,925.06
3	Detectable Warning Panel 2'x4' "Cast In Place"	2.0	EA	\$ 170.00	2.0	\$ 340.00
4	30" Curb & Gutter, Remove & Replace	181.0	LF	\$ 37.00	376.5	\$ 13,930.50
5	Traffic Control	1.0	LS	\$ 2,000.00	1.0	\$ 2,000.00
6	Mobilization	1.0	LS	\$ 4,000.00	1.0	\$ 4,000.00

Total Items 1-6 \$ 85,983.60

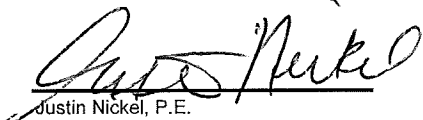
Total Cost: \$ 85,983.60

Original Contract Amount: \$ 84,249.50

Final Quantities Cost Adjustment: \$ 1,734.10

NEW CONTRACT AMOUNT \$ 85,983.60

x 
Approved By Contractor: Day Construction, LLC


Justin Nickel, P.E.
Public Works Director/City Engineer

RESOLUTION APPROVING ENGINEER'S STATEMENT OF COMPLETION AND FINAL
PROJECT COSTS FOR THE TIF DIST 4. SIDEWALK & RAMP REPAIR PROJECT, BEING
PROJECT NO. SDW 17002 WITH A FINAL PROJECT COST
IN THE AMOUNT OF \$85,983.60

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the TIF Dist. 4- Sidewalk & Ramp Repair Project, and

WHEREAS, said project has been completed by Day Construction from Marshalltown, Iowa, pursuant to the plans and specifications all as is set forth in the Engineer's Statement of Completion covering said project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

Section 1. That the labor and material for the TIF Dis 4- Sidewalk & Ramp Repair Project, being project No. SDW 17002, is hereby accepted pursuant to the Engineer's Statement of Completion and the City Clerk is hereby authorized and directed to do all things necessary to complete the contract with Day Construction, LLC, including the payment of the items called for in said contract and Statement of Completion.

Passed this 9th day of October, 2017 and signed this _____ day of October, 2017.

CITY OF MARSHALLTOWN

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, City Clerk

CITY OF MARSHALLTOWN, IOWA

CERTIFICATE OF COMPLETION AND FINAL ACCEPTANCE WORK

CONTRACTOR: Day Construction, LLC PROJECT NO.: SDW 17002

ADDRESS: 1721 Taylor Ave., Marshalltown, IA. 50158

SURETY: Employers Mutual Casualty Company

ADDRESS: 717 Mulberry Street, Des Moines, IA. 50306

KIND OF WORK: Sidewalk and Driveway approach work

CONTRACT COMPLETION DATE: August 31st, 2017

This is to certify that the work covered by the contract with Day Construction, LLC

On the above project, let May 22nd, 2017 and dated May 23rd, 2017 with an original contract amount of \$84,249.50 consisting of 2017 TIF Dist. 4-Sidewalk & Ramp Repair and located in the City of Marshalltown was completed on the 29th day of August, 2017 and that the materials listed on the attached final estimate were delivered and placed by the Contractor.

Final Contract Amount: \$85,983.60 Liquidated Damages: None Retainage: \$4,299.18

Tax Form ST-172 Rec'd X Lien Waivers Received: None I hereby further certify that this report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa and I hereby recommend acceptance of this work.

Signed: Justin E. Nickel Iowa Reg. No. 18950 Date: 10/2/17
Justin E. Nickel, PE, City Engineer

APPROVED AND WORK ACCEPTED BY THE CITY OF MARSHALLTOWN, IOWA

By: _____
James L. Lowrance, Mayor

Attest: _____
Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING CONTRACT CHANGE ORDER #1 FOR THE ASPHALT
MILL & OVERLAY PROJECT # STR17003

AN INCREASE OF \$90,092.26

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with
Manatt's, Inc., for the labor and material for the Asphalt Mill & Overlay Project #STR17003;
and

WHEREAS an increase is requested for additional items to complete the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
MARSHALLTOWN, IOWA:

Section1. That the contract Change Order #1 for the Asphalt & Overlay Project, in the
increased amount of \$90,092.26 is hereby accepted and approved.

Passed this 9th day of October 2017, and signed this ____ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CHANGE ORDER

OWNER: CITY OF MARSHALLTOWN, IOWA
DEPARTMENT OF PUBLIC WORKS

CONTRACTOR: MANATT'S, INC.
P.O. BOX 945
NEWTON, IA. 50208

PROJECT: 2017 ASPHALT MILL & OVERLAY

SUBJECT: CHANGE ORDER #1

PROJECT NUMBER: STR 17003

DATE: SEPTEMBER 28TH, 2017

You are hereby ordered to make the following changes from the plans or do the following work on your contract for the above referenced project.

A) DESCRIPTION OF CHANGES TO BE MADE OR EXTRA WORK TO BE DONE:

CONTRACT ITEMS:

- 7001) Increase the amount of HMA Surface Course, 1/2" (1,000,000 Mix, Type A) by 925.2 tons
- 7002) Increase the amount of HMA Patch, 3/4" Mix, Type B by 295.1 tons
- 7003) Decrease the amount of Asphalt Binder, PG 58-28H (Surface Mix & Patch) by 17.9 tons
- 7004) Increase the amount of Manhole Boxout, 5'x 5', Class M Concrete by 6 each
- 7005) Increase the amount of Manhole Adjustment, New Ring & Cover, W/External Chimney Seal by 7 each

NON-CONTRACT ITEMS (EXTRA WORK ORDER):

- 8001) Excavation, Class 13, 32.0 CY

B) REASON FOR ORDERING CHANGES OR EXTRA WORK:

CONTRACT ITEMS:

- 7001) The increase in the amount of HMA Surface Course, 1/2" (1,000,000 Mix, Type A) was due to extra mix needed project areas
- 7002) The increase in the amount of HMA Patch, 3/4" Mix, Type B was due to finding additional locations that needed patches
- 7003) The decrease in the amount Asphalt Binder, PG 58-28H (Surface Mix & Patch) based on actual binder used on the streets (Plant Reports)
- 7004) The increase in the amount of Manhole Boxout, 5'x 5', Class M Concrete was due to finding additional damaged boxouts
- 7005) The increase in the amount Manhole Adjustment, New Ring & Cover, W/External Chimney Seal was due to adjusting additional manholes to grade

NON-CONTRACT ITEMS (EXTRA WORK ORDER):

- 8001) The inclusion of Excavation, Class 13 was due to finding additional patch areas outside of the scope of item #4 (HMA Patch) within the contract

Original Contract:	\$ 957,195.20
Change Order #1 Net Value:	\$ 90,092.26
New Contract Price:	\$ 1,047,287.46

Receipt is acknowledged of this change order and terms of settlement are hereby agreed to.

CONTRACTOR: MANATT'S INC.

CITY ENGR:

BY: Steve Illingworth

DATE:

DATE: 10-4-2017

RESOLUTION APPROVING ENGINEER'S STATEMENT OF COMPLETION AND
ACCEPTING THE ASPHALT MILL & OVERLAY, BEING PROJECT NO. STR17003, WITH
A FINAL PROJECT COST
IN THE AMOUNT OF \$1,047,287.46

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the Asphalt Mill & Overlay Project, and

WHEREAS, said project has been completed by Manatt's Inc. of Newton, Iowa, pursuant to the plans and specifications all as is set forth in the Engineer's Statement of Completion covering said project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

Section 1. That the labor and material for the Asphalt Mill & Overlay Project, being project No. STR17003, is hereby accepted pursuant to the Engineer's Statement of Completion and the City Clerk is hereby authorized and directed to do all things necessary to complete the contract with Manatt's, Inc., including the payment of the items called for in said contract and Statement of Completion.

Passed this 9th day of October, 2017 and signed this _____ day of October, 2017

CITY OF MARSHALLTOWN

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, City Clerk

CITY OF MARSHALLTOWN, IOWA

CERTIFICATE OF COMPLETION AND FINAL ACCEPTANCE WORK

CONTRACTOR: Manatt's Inc. PROJECT NO.: STR 17003

ADDRESS: P.O. Box 945, Newton, Iowa, 50208

SURETY: Merchants Bonding Company (Mutual)

ADDRESS: 6700 Westown Parkway, West Des Moines, IA. 50266

KIND OF WORK: Asphalt Milling and Overlay

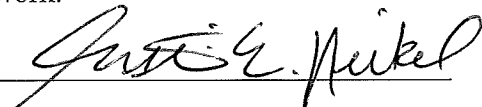
CONTRACT COMPLETION DATE: September 29th, 2017

This is to certify that the work covered by the contract with Manatt's, Inc.

On the above project, let April 25th, 2017 and dated May 8th, 2017 with an original contract amount of \$957,195.20 consisting of 2017 Mill & Overlay Project and located in the City of Marshalltown was completed on the 30th day of August, 2017 and that the materials listed on the attached final estimate were delivered and placed by the Contractor.

Final Contract Amount: \$1,047,287.46 Liquidated Damages: None Retainage: \$52,364.37

Tax Form ST-172 Rec'd X Lien Waivers Received: None I hereby further certify that this report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa and I hereby recommend acceptance of this work.

Signed:  Iowa Reg. No. 18950 Date: 10/5/17
Justin E. Nickel, PE, City Engineer

APPROVED AND WORK ACCEPTED BY THE CITY OF MARSHALLTOWN, IOWA

By: _____
James L. Lowrance, Mayor

Attest: _____
Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING CONTRACT CHANGE ORDER #3 FOR THE TURNER
STREET FORCE MAIN PROJECT #59012009

A DECREASE OF \$192,226.85

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with Geislinger & Sons, Inc., for the labor and material for the Turner Street Force Main Project 59012009; and

WHEREAS an decrease is requested for additional items to complete the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section1. That the contract Change Order #3 for Turner Street Force Main Project, in the decreased amount of \$192,226.82 is hereby accepted and approved.

Passed this 9th day of October 2017, and signed this _____ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING ENGINEER'S STATEMENT OF COMPLETION AND
ACCEPTING THE TURNER STREET FORCE MAIN, BEING PROJECT NO. 59012009,
WITH A FINAL PROJECT COST
IN THE AMOUNT OF \$4,017,631.06

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the Turner Street Force Main Project, and

WHEREAS, said project has been completed by Geislinger & Sons Inc., pursuant to the plans and specifications all as is set forth in the Engineer's Statement of Completion covering said project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

Section 1. That the labor and material for the Turner Street Main Project, being project No. 59012009, is hereby accepted pursuant to the Engineer's Statement of Completion and the City Clerk is hereby authorized and directed to do all things necessary to complete the contract with Geislinger & Sons, Inc., including the payment of the items called for in said contract and Statement of Completion.

Passed this 9th day of October, 2017 and signed this _____ day of October, 2017

CITY OF MARSHALLTOWN

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, City Clerk

Change Order No. 3

Project: Turner Street Force Main	Date of Contract: June 27, 2016
Owner: City of Marshalltown	Owner's Contract No.: 59012009
Engineer: FOX Engineering	Engineer's Project No.: 2407-12E
Contractor: Geislinger & Sons, Inc.	Date of Issuance: 9/28/2017

The Contract Documents are modified as follows upon execution of this Change Order:

DESCRIPTIONS:

- Item 1 Topsoiling of project areas as necessary to allow slopes adequate for mowing. Add \$2,547.25.
- Item 2 Payment to the City of Marshalltown for repair of Woodbury Street damaged during construction. Deduct \$4,297.82
- Item 3 Addition of two, 24-inch, 45 degree ductile iron bends at the connection to the exiting force main. Add \$4,200.00.
- Item 4 Change the contract units for balance of quantities as Included on the attached Balance of Quantity Document, including the Items 1 through 3 above. Deduct \$197,524.19 from the contract price.

Attachments: COR No. 8, 10, and change order no. 3 balance of quantities.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$4,215,155.25

☐ Increase ☒ Decrease from previously approved Change Orders:

\$5,297.34

Contract Price prior to this Change Order:

\$4,209,857.91

☐ Increase ☒ Decrease of this Change Order:

\$192,226.85

Contract Price Incorporating this Change Order:

\$4,017,631.06

CHANGE IN CONTRACT TIMES:

Original Contract ☐ Working ☒ Calendar

Substantial completion: June 2, 2017

Ready for final payment: July 3, 2017

☒ Increase ☐ Decrease from previously approved Change Orders:

Substantial completion (days): 2

Ready for final payment (days): 0

Contract Times prior to this Change Order:

Substantial completion: June 4, 2017

Ready for final payment: July 3, 2017

☒ Increase ☐ Decrease of this Change Order:

Substantial completion (days): 0

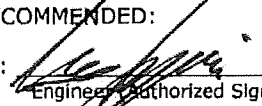
Ready for final payment (days): 53

Contract Times with all approved Change Orders:

Substantial completion: June 4, 2017

Ready for final payment: August 25, 2017

RECOMMENDED:

By: 
Engineer (Authorized Signature)

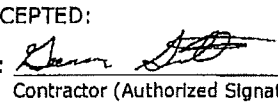
Date: 10/3/17

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: 
Contractor (Authorized Signature)

Date: 9-29-17

Engineer's Statement of Completion

Project: Turner Street Force Main	Date of Contract: June 27, 2016
Owner: City of Marshalltown	Owner's Contract No.: 59012009
Engineer: FOX Engineering	Engineer's Project No.: 2407-12E
Contractor: Geislinger & Sons, Inc.	

I hereby state that the construction of Turner Street Force Main project by a Contract dated June 27, 2016, has been satisfactorily completed in general compliance with the terms, conditions, and stipulations of said Contract.

The work was completed on August 25, 2017. The Contract completion date is August 25, 2017.

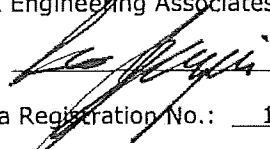
I further state that the total amount due to the Contractor for the fulfillment of said Contract is **\$4,017,631.06**.

The derivation of this total amount is tabulated on the attached sheet.

The remaining retainage amount withheld of approximately **\$40,676.80** shall be paid no sooner than thirty (30) days following formal acceptance of the construction by resolution of the City Council provided that no unpaid claims exist in connection with this Contract. The Contractor will receive interest on any unpaid balance at the maximum legal rate from and after thirty (30) days following acceptance of the project by the City Council.

Signed:

FOX Engineering Associates

By:  _____

Iowa Registration No.: 18924

Date: 10/3/17

FOX PN: 2407-12E.601

City PN: 59012009

Accepted by:

Owner: _____

Resolution: _____

Date: _____

Signed: _____

Title: _____

Attest: _____

Distribution:

Engineer
Contractor
Owner
IDNR



September 28, 2017

Justin Nickel
City of Marshalltown
36 N. Center Street
Marshalltown, Iowa 50158

RE: Turner Street Force Main Project
Final Completion
FOX Ref No: 240712E.601
City PN: 59012009

Dear Mr. Nickel:

According to contract documents, Geislinger & Sons, Inc (Contractor) has generally met the requirements for final completion of Turner Street Force Main Project, City PN 59012009.

Substantial completion was performed by the contractor on February 9, 2017 with a contract substantial completion date of June 2, 2017. The contract final completion date is July 3, 2017 and per the Agreement dated June 27, 2016, Geislinger & Sons, Inc. agreed to pay the Owner as liquidated damages the sum of \$500.00 for each calendar day that the Contractor is in default of final completion of the work under this Contract. However, the contractor has been working towards completing the project in a timely manner. Therefore, liquidated damages have not been applied to this contract and the final completion date will be changed to August 25, 2017 as part of Change Order No. 3.

Change Order No. 3 attached is provided as a final balance of quantities for the project. Based on work completed, this change order includes a deduction of \$192,226.85 for execution by the City, decreasing the total project cost to \$4,017,631.06. This is \$197,524.19 less than the original contract price of \$4,215,155.25.

Attached is Pay Application No. 6 for final balance of quantities. This pay application includes approximately one percent retainage withheld for 30 days after final completion. It is recommended that retainage be paid 30 days after final acceptance by the City of Marshalltown provided no unpaid claims exist in connection with the contract. Application for payment no. 7, final payment for the remaining retainage withheld, should then be paid no later than forty (40) days from the Council acceptance date.

FOX Engineering recommends that the city council accept the Certificate of Final Completion for the Turner Street Force Main Project.

RESOLUTION APPROVING CERTIFICATE OF COMPLETION
AND FINAL PROJECT COSTS WITH A1A SANDBLASTING,
IN THE AMOUNT OF \$41,736 FOR PAINTING OF THE MAIN POOL AT THE
MARSHALLTOWN FAMILY AQUATIC CENTER PROJECT IN THE CITY OF
MARSHALLTOWN, IOWA,
PROJECT NO. PRK17005

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and paint for the Marshalltown Family Aquatic Center Project.

WHEREAS, said project has been completed by A1A Sandblasting, of Menahga, MN, pursuant to the plans and specifications covering said project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

That the labor and paint for the Marshalltown Family Aquatic Center Painting Project, is hereby accepted pursuant to the City of Marshalltown's Certificate of Completion for the total project cost of \$41,736.00.

BE IT FURTHER RESOLVED that the Mayor and City Clerk is hereby authorized and directed to do all things necessary to complete the contract with A1A Sandblasting, including the payment of the items called for in said contract and approved for payment.

Passed this 9th day of October, 2017 and signed this th day of October 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN, IOWA

CERTIFICATE OF COMPLETION AND
FINAL ACCEPTANCE WORK

CONTRACTOR: A1A Sandblasting (Michael Marjama) PROJECT NO.: PRK 17005

ADDRESS: 334 Main Street SW, Menahga, Minnesota 56464

SURETY: No ADDRESS N/A

KIND OF WORK: Painting of main pool and walls of Marshalltown Family Aquatic Center.

CONTRACT COMPLETION DATE: October 2, 2017

This is to certify that the work covered by the contract with A1A Sandblasting on the above project, let July 28, 2017 and dated July 28, 2017, with original contract amount of \$41,736.00 consisting of all materials and work and located at The Marshalltown Family Aquatic Center completed on October 2, 2017.

Final Contract Amount: \$ 41,736.00 Retainage: No (final check).

Tax Exempt Form Rec'd: Yes Lien Waivers Received: No hereby

further certify that this report was prepared by me and I hereby recommend acceptance of this work.

Signed: Anne Selness
Anne Selness, Parks and Recreation Director

Date: October, 9, 2017.

APPROVED AND WORK ACCEPTED BY THE CITY OF MARSHALLTOWN, IOWA

By: _____
Jim Lowrance, Mayor

Attest: _____
Shari L. Coughenour, City Clerk



James L. Lowrance, Mayor
36 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

October 9, 2017

To: Mayor James L. Lowrance and City Administrator Jessica Kinser
Members of the City Council

From: Michelle Spohnheimer
Housing & Community Development Director

Re: Iowa Great Places – Veterans Memorial Coliseum

Policy Issue: The City has identified the Veterans Memorial Coliseum as a renovation project following the feasibility study. It was also identified in the Urban Renewal Area No. 4 amendment as a project eligible for funding. City staff has been working on funding opportunities and has determined that Iowa Great Places funding may be an option in partnership with the Marshall County Arts & Culture Alliance as the lead applicant.

Recommendation: To match the required grant amount of \$475,000 if awarded from City funds.

Background: This historic building has had basic maintenance upkeep to primary portions of the building while other areas have gone untouched for decades. The opportunity to renovate the building is in line with the IMAGINE vision.

Budget Impact: \$475,000 matching funds to be covered by the City of Marshalltown

Attachment: none

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop,
Dan Kester, Bill Martin, Bethany Wirin



**RESOLUTION SPPORTING IOWA GREAT PLACES GRANT APPLICATION FOR
THE VETERANS MEMORIAL COLISEUM PROJECT AND COMMITTING THE REQUIRED
MATCHING FUNDING**

WHEREAS the City of Marshalltown (hereinafter referred to as the "City"), State of Iowa, is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and;

WHEREAS the Housing & Community Development Department is working in partnership with the Marshall County Arts & Culture Alliance to submit an Iowa Great Places grant for the Veteran Memorial Coliseum; and

WHEREAS the grant requires a match amount equal to the requested application which is anticipated to be \$475,000; and

WHEREAS the City Council has adopted an amendment to Urban Renewal Area No. 4 which includes the Veterans Memorial Coliseum as an eligible project for funding; and

WHEREAS the City Council has found the request to apply for funding to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. This Council hereby agrees to match the requested Iowa Great Places grant in the amount of \$475,000 if awarded.

Passed this ____ day of October 2017 and signed this ____ day of October 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

2017-

RESOLUTION APPROVING REVISED
CITY OF MARSHALLTOWN CITY COUNCIL MANUAL
ORIGINALLY ADOPTED JANUARY, 1996

WHEREAS, the City Council for the City of Marshalltown, Iowa has previously approved a City Council Manual setting out Government Structure, Board, Committee & Commission Appointments, Council and Commission Effectiveness, Rules & Order of Business and Operating Procedures of the City Council; and

WHEREAS, the Council desires to update this manual.

THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. That the City Council Manual, originally adopted January, 1996 be approved as revised and updated.

Passed this 9th day of October, 2017, and signed this ____ day of October, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING A CONTRACT FOR PROVIDING CONFINED
SPACE AND HIGH ANGLE RESCUE RESPONSE SERVICES

WHEREAS the City of Marshalltown Fire Department is a trained confined space and high angle rescue provider; and

WHEREAS Swift Pork Company is a business located in the City that contains OSHA defined and permitted confined space locations that require an emergency response provider; and

WHEREAS Swift Pork Company wishes to enter into an agreement with the City of Marshalltown and its Fire Department and compensate the City in the amount of \$2500 annually; and

WHEREAS, the Council has examined the contract and has found same to be in the best interests of the City of Marshalltown, Iowa, and that same should now be approved and accepted

THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:

Section 1. The City of Marshalltown, Iowa authorizes approval of a contract with Swift Pork Company for compensation of services in the amount of \$2,500 per year.

Section 2. This Resolution is in full force and effect from and after its passage.

Passed this 9th day of October, 2017, and signed this 9th day of October, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CONTRACT CONCERNING CONFINED SPACE AND HIGH ANGLE RESCUE RESPONSE SERVICES

WHEREAS, Swift Pork Company, (Business) conducts confined space entry and operates at heights in their plant under OSHA guidelines in Marshalltown; and

WHEREAS, The City of Marshalltown, through its Fire Department has available qualified confined space and high angle rescue personnel, trucks, radios, and other emergency equipment that would support the Business in the event of a rescue emergency arising from said entries; and

WHEREAS, it is required under OSHA guidelines that a rescue service be named by any entity conducting work in/or into permitted confined spaces and high angles; and

WHEREAS, the Business has named Marshalltown Fire Department (MFD) as the emergency rescue service for the purposes of entry into confined spaces and rescues at height within its local facilities.

THEREFORE, the Business wishes to compensate the City of Marshalltown and its Fire Department for the services rendered through this contract, delineated as follows:

1. Subject matter: The City of Marshalltown agrees to, through MFD, respond to confined space and rescues at height within the boundaries of the facilities under ownership of the Business in the City of Marshalltown subject to the following:
 - a. The Business shall notify MFD in advance of entry into a permitted confined space or when working at heights to ascertain the availability of emergency rescue services during that time frame.
 - b. The Business shall not assume MFD can respond to a rescue situation if upon notification in Subsection a, the Department is otherwise occupied, i.e. fire or other emergency, and should not make entry until the Department is available.
 - c. MFD shall notify the Business when crews do become available for rescue services.
2. Equipment: in responding to confined space or rescue calls at height, MFD shall utilize its rescue truck or other fire apparatus, staffed by MFD personnel. Personnel responding shall be trained in confined space and high angle rescue and shall have available, equipment for required purposes.
3. Compensation: The Business will pay to the City of Marshalltown an annual fee of two-thousand five-hundred dollars (\$2,500.00) beginning with the fiscal year July 1, 2017 through June 30, 2018. The annual fee will be reviewed annually. The sum shall be non-refundable in the event of cancellation by the Business and shall be without regard to the number of calls responded to during the year. This sum shall be mailed to the City of Marshalltown, 24 North Center Street, Marshalltown, Iowa, 50158. The annual fee will offset the cost of providing the service, including certification, training, and equipment.

4. Contract Term: This contract shall be in full force and effect until terminated by either party. Termination shall be at the election of either party, at any time and for any reason, by mailing a 30 day written notice, prior to the requested date of termination, to the other party by ordinary mail at the last known business address. This contract shall also be reviewed annually.
5. Liability Insurance Coverage: MFD will continue its coverage under existing City liability plans and the Business will provide its own independent coverage for liability purposes.
6. Contract Amendment: No modification or amendment of this contract shall be made unless in writing signed by both parties. Any modification or amendment must be reduced to writing and approved by the Marshalltown City Council and the Business before becoming effective.
7. Effective Date: This agreement shall be in full force and effect from and after its approval by Resolution by the City Council of the City of Marshalltown and signature by the authorized representatives of the Business.
8. This contract shall be interpreted according to the laws of the State of Iowa and both jurisdiction and venue shall lie exclusively in Marshall County Iowa District Court.

Signed on this ____ day of _____, 2017.

Swift Pork Company

Name: _____
Address: _____
Position: _____

Signed on this ____ day of _____, 2017

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk



James L. Lowrance, Mayor
Jessica Kinser, Administrator
Diana Steiner, Finance Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5760
Fax - (641) 754-5781

FINANCE DEPARTMENT

October 6, 2017

**To: Mayor James L. Lowrance
Members of the City Council**

From: Diana Steiner 

Re: Capital Assets and Depreciation Policy

Policy Issue: Council is required to approve changes to policies

Recommendation: Staff recommends approving the updated policy.

Background: This policy has been updated to incorporate the planning for capital assets and improvements. It outlines the planning process and what should be included. Projects included in the Capital Improvements Plan (CIP) will be primarily items that meet the fixed asset thresholds identified in this policy and have a useful life of more than 1 year. The exceptions to this would be projects identified in funds 030 or 031 which are related to the City's Capital Improvement Tax Levy. These items may not meet the definition of a capital asset.

I have marked the areas in the policy where changes were made, which are primarily pages 1,5,11-12.

Budget Impact: None.

Attachment: New Proposed Policy for Capital Assets & Depreciation Policy

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Dan Kester, Bill Martin, Bethany Wirin



Capital Assets & Depreciation Policy

Resolution _____

Date of Version _____

Overview

Updated { The City of Marshalltown wishes to establish accounting control and accountability for the City's assets. The Finance Department is the central accounting locale for all audited fixed assets. Assets under this classification follow specific accounting rules and are subject to annual audit requirements. The accounting and reporting policies of the City conform to generally accepted accounting principles (GAAP) applicable to state and local governments. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles, and will follow the GAAP hierarchy as noted in GASB 76. Any change to these principals and hierarchy will supersede all financial reporting requirements referenced with this policy

New { In order to fund the costs of capital outlays and improvement needs, a three to five-year plan is developed during budget season and is referred to as the Capital Improvement Plan (CIP).

Capital Assets Definition

Capital assets are real or personal property that have a value equal to or greater than the capitalization threshold for the particular classification of the asset and have an estimated life of greater than a single reporting period. They include: land, land improvements, buildings, building improvements, machinery and equipment, vehicles, infrastructure, leasehold improvements, works of art and historical treasures, intangible assets, and construction in progress (excluding projects from outside developers). A capital asset is to be reported and, with certain exceptions, depreciated in government-wide statements. In the government-wide statements, assets that are not capitalized are expended in the year of acquisition.

Infrastructure assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital assets and that are normally stationary in nature. Examples include roads, bridges, tunnels, drainage systems, water systems, and dams. Infrastructure assets do not include buildings, drives, parking lots or any other examples given above that are incidental to property or access to the property.

Inventory Records

Completeness and accuracy of inventory records should be ensured through physical counts, review of purchase records, prior inventory count records, listings maintained by other agencies, and other methods deemed necessary.

An inventory of all capital assets that meet or exceeds the City's threshold limits shall be maintained. Each inventory record should include: description, year of acquisition, method of acquisition (e.g., purchase, donation, etc.), funding source, cost or estimated cost, salvage value, and estimated useful life. The inventory record will also need to identify the function(s) that use the asset. The inventory of assets will be centrally maintained through the Finance Department.

Establishing and Setting the Threshold Levels for Recording Capital Assets

GASB gives the following authoritative definition for state and local governments: The term capital assets includes land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all other tangible or intangible assets that are used in operations and that have initial useful lives extending beyond a single reporting period.

Capital Assets & Depreciation Policy

Resolution _____

Date of Version _____

Estimated Useful Life - An asset must have an estimated useful life greater than one reporting period to be considered for capitalization and depreciation. Assets that are consumed, used-up, habitually lost or worn-out in one year or less should not be capitalized.

Estimated useful life means the estimated number of months or years that an asset will be able to be used for the purpose for which it was purchased. In determining useful life, the City should consider the asset's present condition, use of the asset, construction type, maintenance policy, and how long it is expected to meet service demands.

Asset Cost - The City does not need to capitalize every asset with a useful life greater than one year. To do so is an unnecessary burden and will not materially affect financial results. The table listed below will be used in determining the dollar thresholds to use for tracking the City's capital assets. The capitalize and depreciate column will be audited on an annual basis as part of the external auditors fieldwork.

Capitalize and Depreciate Thresholds

Land	\$1 - Capitalize only
Land Improvements	\$5,000
Building	\$5,000
Building Improvements	\$5,000
Machinery and Equipment	\$5,000
Works of art and historical treasures	\$5,000
Infrastructure -- based on total project cost	\$50,000
Sanitary Sewers & Lift Stations	\$50,000
Construction in Progress	Capitalize only

Associated Debt - A final criteria the City must consider is associated debt. The City should carefully consider the merits of capitalizing assets purchased with debt proceeds. Doing so may minimize the potential of negative net assets being reported in the statement of net assets.

Recording Land, Rights of Way and Easements:

Land:

Land is to be capitalized but not depreciated. It is recorded at historical cost and remains at that cost until disposal. If there is a gain or loss on the sale of land, it is reported as a special item in the statement of activities. All land will be capitalized unless the City plans to immediately sell it instead of putting it to use.

The following items should be included as part of the cost of land: purchase price or fair market value at the time of the gift; commissions; professional fees (title searches, legal, appraisal, etc.), grading, removal, relocation, or reconstruction of property of others (railroad, telephone and power lines); interest on mortgages accrued at date of purchase; accrued and unpaid taxes at date of purchase; other costs incurred in acquiring the land. All land will be capitalized, regardless of cost, unless it is saleable land (land that the City has plans to sell instead of using).

Rights of Way (ROW)

ROW costs will be booked at the time of the project. If ROW costs are known at the time of the project, those values will be set up based upon actual costs. If the actual cost is not available, a cost per square foot will be determined by using an assessor's valuation of bare agricultural land in the vicinity.

Easements

An easement is an interest in land owned by another that entitles its holder to a specific limited use or enjoyment (right to use the land). The City has no ownership interest in the property associated with easements across private property, only a right to access the property for the stated use (i.e. water lines, sewer lines, etc). Therefore, easements are not reported in the financial statements.

Recording Land Improvements

Land improvements consist of betterments, other than buildings, that ready land for its intended use. A few examples include retaining walls, parking lots, sidewalks, outdoor lighting, fencing/gates, and landscaping. Land improvements can be further categorized as non-exhaustible and exhaustible.

Non-Exhaustible - Expenditures for improvements that do not require maintenance or replacement, expenditures to bring land into condition to commence erection of structures, expenditures for improvements not identified with structures, and expenditures for land improvements that do not deteriorate with use or passage of time are additions to the cost of land and are generally not exhaustible and therefore not depreciable. The portion of the cost attributable to nondepreciable land improvements should be reported with other assets not being depreciated, such as land and construction in progress in the Comprehensive Annual Financial Report (CAFR).

Exhaustible - Other improvements that are part of a site, such as parking lots, landscaping and fencing, are usually exhaustible and are therefore depreciable. Depreciation of site improvements is necessary if the improvement is exhaustible. Other items include: fencing, gates, landscaping, outside sprinkler systems, athletic fields, golf courses, septic systems, stadiums, swimming pools, tennis courts, fountains, retaining walls, bleachers, soccer fields, recreational lighting, parking lots, sidewalks, bus ramps, etc.

Recording Buildings

Buildings should be recorded at either their acquisition cost or construction cost. The cost of new construction should be carefully evaluated. Usually projects consist of major components such as land, land improvements, building construction (including professional fees and permits), furniture, fixtures and equipment. The various components should be broken out when setting up the initial building construction project. The components of the building itself (heating/air conditioning, carpet, windows etc.) should be included in the initial cost of the building.

Recording Building Improvements

Building improvements that extend the useful life of the building by more than 25% should be capitalized. Examples of building improvements include major roofing projects that tear the original roof down to the joints or peak a flat roof, major energy conservation projects, or remodeling and replacing major building components. Normal maintenance and repair projects like re-shingling or re-tarring a roof will be expensed. The inventory will need to include a project description, the year

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completed, funding source and dollar amounts. Only those projects that meet the capitalization threshold need to be included.

Recording Equipment and vehicles:

Assets such as furniture, shop equipment, lawn equipment, computers, machinery, and other equipment that meet the threshold levels should be identified and inventoried. Some assets, individually, may fall below the capitalization threshold but may be purchased in large quantities by the governmental entity. Examples include library books, textbooks and computers.

Library Books

Library books are considered to have a useful life of more than one year. They are considered capital assets and are depreciable. The collections will be grouped based on fiscal year purchase and set up in the aggregate. Periodicals will be excluded from the annual purchase cost. This category will be included with Machinery and Equipment on the financial statements.

Computer Equipment

Computers will be excluded if they individually cost less than the threshold limit. If the dollar amount exceeds the limit, those assets will be capitalized and depreciated.

Vehicles

Vehicles should be identified, inventoried, and depreciated if they exceed the threshold limit. When setting up the initial costs of the vehicle, lettering will be added to the cost of the vehicle. In addition, for the police department; the cost of the sirens, light bars etc. will be included as part of the cost of getting the car into service. In the case of moving existing sirens etc, that cost will be included as part of the initial cost associated with new purchases.

Leased Equipment

Equipment should be capitalized if the lease agreement is non-cancelable **and** meets any one of the following criteria:

- * The lease transfers ownership of the property to the lessee by the end of the lease term.
- * The lease contains a bargain purchase option.
- * The lease term is equal to 75 percent or more of the estimated economic life of the leased property.
- * The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90 percent of the fair value of the leased property.

Leases that do not meet any of the above requirements should be recorded as an operating lease in the financial statements.

Recording Works of Art and Historical Treasures

Works of art, historical treasures, and similar assets should be recorded at historical costs if the dollar amount exceeds the capitalization threshold or fair value at date of donation (estimated if necessary) whether they are held as individual items or in a collections.. Depreciation is not required for collections or works of art that are inexhaustible. Exhaustible collections or individual items whose useful lives are diminished by display or educational or research applications, should be depreciated over their estimated useful lives.

Recording Intangible Assets

New { An intangible asset is a non-physical asset that has a useful life of greater than a single reporting period. Some examples are trademarks and software developed for internal use. Depending on the type of intangible asset, recognize the asset at fair value or cost and amortize over its expected useful life

Recording Infrastructure Assets -Determining Historical Cost or Estimated Historical Cost

As most new infrastructure construction is associated with a project, with certain funds set aside based on the project, infrastructure items will be evaluated based on the total cost of the project. Any project with a total cost that meets the threshold for infrastructure should be capitalized, with the council date of acceptance as the acquisition date. If a project includes more than one type of infrastructure, each part of the project should be set up. In addition to the actual construction costs, engineering fees and other incidental expenses should be added into the project cost. If engineering costs cannot be determined for each segment, then the costs should be prorated to each segment based on the segment's percent of the overall project (excluding costs that will be allocated).

If ownership of infrastructure associated with land, such as roads, sewers etc is unclear, the government with primary responsibility for managing the asset should report the asset.

Streets, roads and other components

The City will include frontage roads and alleys as part of the street & roads network if they exceed the dollar threshold. Within this category, the original project will include costs associated with curb and gutter. Roads will be broken down by the following types: seal coat, gravel, concrete, asphaltic concrete and brick or stone. Sidewalks constructed on private property will be excluded from the total cost of the project.

Bridges

Bridges will be a network of its own and broken down into vehicular and pedestrian subsystems. The cost of the initial project will include the sidewalk and guardrails associated with the bridge. The bridges will be further broken down into the classifications listed in the class lives schedule.

Sidewalks

Although the City does own the sidewalks that are on city ROW, private residents are responsible for maintaining them; therefore the City will not be capitalizing sidewalks as an infrastructure asset. Other sidewalks associated with property owned and maintained by the City will be classified as a land improvement and subject to the category threshold limits of that class.

Street Signs

The street department installs the street signs after the project is complete. The cost of the signs is not part of the construction costs. Currently the annual budget amount for replacement is approximately \$25,000. Based upon the above criteria, the City will not be capitalizing street signs.

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Street Lighting

Alliant Energy owns most of the streetlights except the decorative lights on main street, lights on bridges and some parking lot lights. Streetlights included in any project that meets the capitalization threshold will be capitalized as a part of that project.

Traffic Lights

Traffic lights will be evaluated by intersection and all intersections that meet the infrastructure threshold will be capitalized.

Storm Sewers

Detention ponds and other collection systems will be kept separate., Storm sewer projects often involve assets under different departments, such as replacing the street over the sewer that is being worked on. A project that involves replacing a section of storm sewers also included replacing the street that must be torn up. The entire project meets the capitalization threshold, but the street portion does not. The street portion will still be set up as a separate asset. The exception to this would be if the street is not improved by this process or is made worse; in this case the entire cost of the project would be under the sewer asset.

Bike Paths

The assets should be set up by project with the entire cost included in one asset. This will include benches, receptacles, engineering costs, etc, included in the initial project costs. They will not be set up separately with a parent number because this detail is not necessary in this case. Costs associated with the replacement of the benches, receptacles etc will be expensed in the year acquired.

Other infrastructure

- * Obtain a description/inventory of the asset.
- * The initial capitalization amount should be based on historical cost. If determining historical cost is not practical because of inadequate records, estimated historical cost may be used.

Recording Sanitary Sewers and Lift Stations

Capital assets in this category will be further broken down into the following classifications: sanitary sewers and lift stations. If the sanitary sewer and/or lift station is part of a project, whether the City or a private developer finances it, that has a total cost of \$50,000 or more, it/they will be capitalized.

Recording Construction in Progress

Construction in progress that is financed by the City should be capitalized and not depreciated. It should be reported with land and other non-depreciating assets at the government-wide level. Unspent debt proceeds from capital assets related debt should be reported in the net assets section of the statement of net assets as "restricted for capital projects."

Capital Asset Donations

GASB Statement No. 33, Accounting and Financial Reporting for Non-Exchange Transactions, defines a donation as a voluntary non-exchange transaction entered into willingly by two or more parties. Both parties may be governments or one party may be a nongovernmental entity, including an individual. A voluntary contribution of resources between state agencies is not a donation.

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Donated capital assets should be capitalized at the fair market or appraised value of the asset at the date it was donated.

Real estate

All gifts of real estate must have council approval prior to title transferring. Contributed capital assets are valued at their appraised or estimated fair market value on the date donated.

Developers

Private developers will install infrastructure that will be given to the City. The acquisition date will be the date the council accepts the development. The developer must give the City the following contract item amounts to correctly capitalize each component of the development into the appropriate classification.

- Land or rights of way cost, including square footage
- Breakdown of the quantity and cost of the following components of the project:
 - Storm sewer
 - Lift stations
 - Sanitary sewer
 - Water mains
 - Street, curb and gutter
 - Traffic signals
 - Bike paths
 - Street lights
- Engineering costs

The Engineering Department will be responsible for obtaining this information from the developer.

Obtaining an Asset's Cost or Acquisition Value

Capital assets should be reported at historical cost and should include the cost of freight, site preparation, architect and engineering fees, etc. If something other than cash is used to pay for the asset, then the fair-market value of the non-cash payment or consideration determines the asset's cost or acquisition value. When the value of the consideration paid can't be determined, the asset's fair-market value determines its cost.

With few exceptions, an asset's cost should also include necessary costs incurred to place the asset in service. Costs include the invoice price plus incidental costs (insurance during transit, freight, capitalized interest as described earlier, duties, title search, registration fees, and installation costs).

Capitalized Interest

Per authoritative literature interest on general long-term debt generally should not be allocated to functions or programs as a direct expense. Therefore, unless the debt is expected to be retired by the enterprise fund, it is considered general long-term debt, and construction-period interest should not be included in the cost of the capital assets constructed.

Interest is capitalized on proprietary fund assets acquired with tax-exempt debt. The amount of interest to be capitalized is calculated by offsetting interest expense incurred from the date of the borrowing until completion of the project with interest earned on invested proceeds over the same period.

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Repairs and Maintenance

The following table will determine if maintenance or repair should be capitalized or expensed. With respect to asset improvements, costs over \$5,000 (\$50,000 for infrastructure) should be capitalized if:

1. The estimated life of the asset is extended by more than 25%, or
 2. The cost results in an increase in the capacity of the asset, or
 3. The efficiency of the asset is increased by more than 10%, or
 4. Significantly changes the character of the asset, or
 5. In the case of streets and roads – if the work done impacts the “base” structure.
- Otherwise the cost should be expensed as repair and maintenance.

Maintenance costs allow an asset to continue to be used during its originally established useful life. Maintenance costs are expensed in the period incurred. Preservation costs generally extend the useful life of an asset beyond its original estimated useful life, but do not increase the capacity or efficiency of the asset. Preservation costs are capitalized and depreciated if it extends the original estimated life by more than the assigned percent listed above.

A change in capacity increases the level of service provided by an asset. For example, additional lanes could be added to a road or the weight capacity could be increased. A change in efficiency maintains the same service level, but at a lower cost. For example, an electric generating plant could be reengineered so that it produces the same megawatts per day using less fuel.

The following improvements will be considered maintenance and not capitalized: tuckpointing, roof repair or replacement (unless it extends the life of the building, such as going from a flat roof to a pitched roof), window replacement (unless replaced with energy efficient windows), repainting, epoxy repair, re-carpeting, etc.

Depreciation

Definition

In accounting terms, depreciation is the process of allocating the cost of tangible property over a period of time, rather than deducting the cost as an expense in the year of acquisition. Generally, at the end of an asset's life, the sum of the amounts charged for depreciation in each accounting period (accumulated depreciation) will equal original cost less salvage value. Good accounting and financial management practices require that a government entity take both the cost expiration and the declining value of an asset into consideration. The cost expiration of a government entity's assets must be recognized if the cost of providing services is to be realistically reported. Also, the decline in the value of those assets must be considered if the government entity's net assets are to be stated correctly.

Information Needed to Calculate Depreciation

To calculate depreciation on a capital asset, the following five factors must be known:

- * the date the asset was placed in service
- * the asset's cost or acquisition value
- * the asset's salvage value
- * the asset's estimated useful life, and
- * the depreciation method.

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Asset's Salvage Value

The salvage value of an asset is the value it is expected to have when it is no longer useful for its intended purpose. In other words, the salvage value is the amount for which the asset could be sold at the end of its useful life. This value can be based on (1) general guidelines from some professional organizations such as GFOA, ASBO, etc., (2) information from other governmental entities, (3) internal experience, or (4) professionals such as engineers, architects, etc. Since the City normally keeps assets until there is not a remaining value, due to being obsolete, scrapped or junk, most equipment and vehicles should have a zero salvage value. In most cases, it is probable that many infrastructure assets will have no residual value, given the cost of demolition or removal.

Asset's Estimated Useful Life

Estimated useful life means the estimated number of months or years that an asset will be able to be used for the purpose for which it was purchased. In determining estimated useful life, a government should consider an asset's present condition, use of the asset, construction type, maintenance policy, and how long it is expected to meet service and technology demands. Useful lives should be based upon the government's own experience and plans for the assets. Although comparison with other governments or other organizations may provide some guidance, property management practices, asset usage, and other variables (such as weather) may vary significantly between governments.

It is difficult to come up with a "laundry list" of estimated useful lives for equipment when condition and usage are a factor. Let's take for example a city bus. A diesel bus is expected to last 250,000 miles. One city could put 250,000 on that bus in seven years, while another city will take 10 years. Therefore, the City has created it's own suggested useful lives table developed from using the above methods. This table can be periodically revised by city staff ; therefore it is not included as part of this policy, but will be maintained by the Finance Department

Depreciation & Convention Methods Used to Calculate an Asset's Depreciation

The City will use the straight-line method, which is the simplest and most commonly used for calculating depreciation. It can be used for any depreciable property. Under the straight-line depreciation method, the basis of the asset is written off evenly over the useful life of the asset. The same amount of depreciation is taken each year. In general, the amount of annual depreciation is determined by dividing an asset's depreciable cost by its estimated life. The total amount depreciated can never exceed the asset's historic cost less salvage value. At the end of the asset's estimated life, the salvage value will remain. For example, a \$12,000 copier is placed in service on March 16, 2017. It has an estimated life of five years and a salvage value of \$2,000. The depreciation calculation for the straight-line method would be:

Original cost	\$12,000
Salvage value	<u>2,000</u>
Adjusted basis	\$10,000
Estimated life	5
Depreciation per year	\$ 2,000

To avoid the complications of depreciating each asset from the specific date on which it was placed in service, GAAP supports guidelines that assume various assets are placed in service

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or disposed of at designated dates throughout the year. These guidelines are called averaging conventions.

It is recommended that governmental entities use the full-month convention, therefore the City of Marshalltown will use this convention. Under the full-month convention, property placed in service at any time during a given month is treated as if it had been placed in service on the first day of that month. This allows depreciation to be taken for the entire month in which the asset is placed in service. If the property is disposed of before the end of the estimated useful life, no depreciation is allowed for the month of disposition.

Library books will use the straight line – half-year convention method of depreciating. Under this method of depreciating, the total cost for the year will have an acquisition date on the 1st day of the 7th month of the fiscal year.

Reporting Depreciation Expense in the Financial Statements

For general capital assets, depreciation is reported only on government-wide financial statements. Depreciation expense is reported on the Statement of Activities. Depreciation for assets specifically identified with specific functions is to be included in the direct expenses of those functions. Capital assets that serve essentially all functions are reported on a separate line or reported as part of the general administration (or its counterpart) function. If depreciation is reported as a separate line item, the face of the statement must clearly indicate that this line item excludes depreciation expense charged to functions.

City hall will be classified in the general government category and the associated depreciation expense will not be divided amongst the various departments that are housed within.

Depreciation expense for general infrastructure assets should not be allocated to the various functions. It should be reported as a direct expense of the function (for example, public works) that the reporting government normally associates with capital outlays for, and maintenance of, infrastructure assets or as a separate line in the statement of activities.

Disposal of Capital Assets

All assets included in this policy must be taken to Council for approval prior to disposition. The report to Council will include the method of disposal whether it is for sale, obsolete, junked, traded, or other disposal reason.

When an asset is sold, a gain or loss must be recognized in the annual report when:

- * Cash is exchanged and the amount paid does not equal the net book value of the asset.
- * Cash is not exchanged and the asset is not fully depreciated or has a residual value.

A gain or loss is not reported when:

- * Cash exchanged equals the net book value and the asset does not have a residual value.
- * Cash is not exchanged and the asset is fully depreciated and has no residual value.

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Acquisition, Disposal and Transfer Forms

Special forms have been created for the acquisition of capital assets and infrastructure, in addition, to disposal of the capital assets. Forms will need to be completed for the following circumstances:

- * All acquisitions whether it was purchased, donated or constructed will have the appropriate acquisition form completed by the receiving department and signed by the department head or other authorized personnel. The only exception to this is if the department is receiving an asset from another department and then the rules for transfers will apply.
- * All dispositions of capital assets will have a disposition form completed by the department having ownership of the asset and will be signed by the department head or other authorized personnel of that department.
- * A transfer form will be completed by the department transferring the asset and signed by the appropriate personnel.

The forms will be maintained by the Finance Department.

Reporting Capital Assets in the Audited Financial Statements

Capital assets and the associated accumulated depreciation are reported in the Statement of Net Assets. Accumulated depreciation will be reported separately. Capital assets will be reported in greater detail by major class of asset (for example, infrastructure, buildings and improvements, machinery and equipment etc).

Insurance Records

The City will maintain insurance records in conjunction with the fixed assets. It is the responsibility of each department to notify the Finance Department concerning insurance coverage. Coverage, when applicable, must be added to new equipment prior to use. Reference the insurance guidelines procedures to see current deductibles and items to insure.

Record Retention

The Finance Department will keep individual asset detail associated with the capital assets that meet or exceed the city's threshold limits while an asset is current. Individual asset detail records may be disposed three years after an asset's disposal date. All fiscal year end reports can be disposed three years after the audit has been finalized unless grant provisions require a longer retention period. The recommendations from the "Record Retention Manual for Iowa Cities" will supersede any time periods covered in this paragraph if their retention period exceeds the time period listed.

Physical Inventories

The Finance Department or external auditors will periodically conduct a physical inventory of selected items. Assets not accounted for in the inventory shall be removed from the fixed asset records after the proper disposal procedures have been completed.

Planning for Capital Assets or Improvements

New { Capital project planning is an ongoing process where annually the Capital Improvement Plan (CIP) is reviewed and updated. Changing needs and priorities, emergencies, cost changes, mandates and changes in technology all require the CIP to be updated annually. The city's public facilities, streets,

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new parks, water lines, equipment, etc., are constantly in need of repair, replacement or expansion. A growing population will require additional or updated facilities. These reasons require that the CIP be updated to maintain the financial solidity of the community. The CIP achieves the following objectives as a component of the city's budget and financial planning process:

- Reduces the need for "crash programs" to finance the construction or capital maintenance of facilities
- Focuses attention on community goals, needs and capabilities
- Achieves optimum use of taxpayer dollars
- Guides future community growth and development
- Advance planning ensures that projects are well thought out in advance of construction
- Provides for the orderly replacement of capital expenditures
- Encourages a more efficient governmental administration as well as maintains a sound and stable financial program

The City of Marshalltown completes capital planning on a five year schedule. Projects included in the CIP are items that meet the fixed asset thresholds identified in this policy and has a useful life of more than one year. The exceptions to this would be projects identified in funds 030 or 031 which are related to the City's Capital Improvement Tax levy. Through a series of work sessions, the Council focuses on prioritizing the first year's expenditures along with identifying future needs. Once approved, the CIP outlines the City's official commitment to funding these expenditures in the budget for the upcoming fiscal year and providing a plan for funding projects or assets. Once the Council has agreed to a plan, a public hearing must be held prior to adopting the plan.

Through an election in November, 1999, the City can levy \$.675/\$1,000 of taxable valuation to fund improvements. A subsequent resolution designated 15% of these funds to be accumulated for large capital acquisitions.



James L. Lowrance, Mayor
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FINANCE DEPARTMENT

October 6, 2017

**To: Mayor James L. Lowrance
Members of the City Council**

From: Diana Steiner

Re: Purchasing Policy *DS*

Policy Issue: Council is required to approve changes to policies

Recommendation: Staff has downsized the existing policy and tried to simplify and standardize. We have created a separate policy addressing the Purchasing Card and Accounts Payable. We would appreciate your input before moving forward to finalize. A table of contents and summary spending chart will be added in the final version of the updated policy. (See page 56 of the existing policy for the summary chart)

Suggested changes from current policy:

- A. The state sets the thresholds not less than biennially for public improvement purchases and has specific procedures that need to be followed. This updated policy also allows the threshold to change and be implemented without the Council having to amend the Purchasing Policy. Vertical improvements went from \$36,000 to \$55,000 for competitive quotations and \$100,000 to \$135,000 for competitive bids. Horizontal improvements require a competitive bid at \$47,000. In order to encompass these updated thresholds and standardize the limits for our non-public improvement purchases (currently set at \$35,000 for quotes and \$100,000 for bids), the following limits are being suggested:

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Dan Kester, Bill Martin, Bethany Wirin



1. Purchases less than \$5,000, no quotes or informal quotes; approved by Department
 2. Purchases \$5,000 \$9,999, written quotes required; approved by Department
 3. Purchases \$10,000 to \$24,999, written quotes required; approved by Department & Finance
 4. Purchases \$25,000 to \$44,999, sealed quotes; approved by Department, Finance, and City Administrator
 5. Purchases \$45,000 or more, sealed quotes or competitive bid, need Council approval.
- B. To eliminate a duplication of information, Council will no longer receive a list of purchases between \$10,000 and \$35,000 in their Council packets, since this information is included in the bill list.
- C. To reduce staff time preparing resolutions for Council meetings and reducing number of agenda items, the City Engineer will be allowed to approve change orders up to an aggregate amount of \$25,000 without additional council approval unless that would increase the total project cost by more than 10%.
- D. To eliminate redundancy in actions the Council has already taken, we are suggesting that for Items and projects approved by the Council in the annual Capital Improvement Plan (CIP) budget, staff can proceed with purchasing without additional Council approval unless the total will be greater than 10% of the original estimate. Staff will follow regular purchasing thresholds at the dollar amounts outlined in item A. above.
- E. Since motor vehicles are included in the CIP, they will be treated as other CIP purchases and will no longer require Council pre-approval.
- F. Sales tax will be reimbursed to employees who use their personal funds to make purchases and do not have a City procurement card.
- G. To save time getting quotes, staff can make purchases from already negotiated contracts, including state contracts, federal supply schedules or other national procurement associations if the funder allows at a particular dollar threshold.

Budget Impact: None.

Attachment: Current Policy and New Policy

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Dan Kester, Bill Martin, Bethany Wirin





PURCHASING POLICY AND PROCEDURE MANUAL

Title: **FINANCIAL POLICY**

Date of Version: **October __, 2017**

Section: **PURCHASING POLICY**

Resolution No.: **2017-__**

I. INTRODUCTION

This policy is to promote efficiency, transparency, and fairness in procurement of goods and services. Purchasing of goods and services for the City is to be accomplished impartially, with no favoritism toward any individual vendor and with no appearance of impropriety. This policy establishes consistent purchasing procedures while maintaining certain controls to obtain needed goods and services efficiently and economically. The cooperation of all City employees, administration and vendors is essential if the City is to obtain maximum value for each tax dollar spent. All purchases and procurements shall be reasonable and necessary. Only the purchasing methods described herein are available for purchasing goods and services on behalf of the City.

No purchase made by an employee shall bind the City to receive and/or pay for the goods or services procured, unless authorized by the methods described herein.

Transactions shall not be split into smaller parts to circumvent the dollar limitations and requirements of this policy.

Responsibilities

It shall be the responsibility of the Department Director to ensure that his/her department follows all policies and procedures and expenditures are within the Department's budget.

The City's purchasing system is considered decentralized (each departments' responsibility) except for those goods, services, and equipment that qualify or are designated for centralized purchasing.

Regulating Authorities

Requests and suggestions for changes to this policy may be submitted to the Finance Director at any time. All changes in this manual shall be approved by City Council by resolution to be effective.

Noncompliance

Noncompliance with these policies and procedures may result in the return of improperly authorized or prepared documents, nonpayment of vendor invoices, cancellation of purchase orders or purchasing privileges, or other sanctions as determined necessary after consultation with the Department Director and/or City Administrator.

II. PURCHASING POLICY

The City of Marshalltown utilizes different dollar value thresholds for determining what purchasing methods should be used as well as the level of approval required. These thresholds are established by the State of Iowa or federal rules, as well as the best judgement of the City Council in determining an appropriate level of oversight for activities. These purchases can generally be broken down into two

categories: purchases that are considered public improvements and all other purchases.

Public Improvements

A Public Improvement is defined as a building or construction work which is constructed for the City of Marshalltown and is paid for in whole or in part with funds of the governmental entity. A public improvement project may involve new construction, reconstruction, or an improvement that results in betterment to a facility by improving either the original design of the facility or the function of the facility.

Repairs or maintenance work are subject to this Policy unless performed by a City of Marshalltown employee. This is defined as the preservation of a building, storm sewer, sanitary sewer, or other public facility or structure so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility or structure to its original condition with the same design.

Public improvement projects are broken down into two types: Vertical Infrastructure and Horizontal Infrastructure. When planning a public improvement and determining which bidding threshold applies, the estimated total cost of the project applies. This estimate should include labor, materials, equipment, and supplies and should exclude the cost of architectural, landscape architectural, or engineering design services or the cost of inspections.

Vertical infrastructure includes the following:

- Buildings and all appurtenant/accessory structures
- Utilities
- Incidental street improvements including sidewalks
- Site development features
- Recreational trails
- Parking facilities

Vertical infrastructure does not include any work constructed in conjunction with or ancillary to highway, street, bridge or culvert projects, including but not limited to utilities and sidewalks.

Estimated Total Project Costs	Requirement	Approval Level
Equal to or less than \$55,000*	Informal Procedures	Department: less than \$10,000; Finance: \$10,000-\$24,999; City Administrator:- \$25,000 \$44,999; City Council- \$45,000-55,000
Greater than \$55,000* and less than \$135,000*	Competitive Quotation Procedures	City Council
Greater than \$135,000*	Competitive Bidding Procedures	City Council

Horizontal infrastructure includes the construction, reconstruction, improvement, or repair and maintenance of a highway, bridge or culvert.

Estimated Total Project Costs	Requirement	Approval Level
Equal to or less than \$47,000*	Informal Procedures	Department: less than \$10,000; Finance:\$10,000-\$24,999; City Administrator-\$25,000-\$44,999; City Council- \$45,000-47,000

Greater than \$47,000*	Competitive Bidding Procedures	City Council
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**These amounts are effective as of January 1, 2017. The law requires these amounts be reviewed not less than biennially, effective January 1 following any such adjustment. This Policy shall automatically incorporate and the City shall properly follow any threshold adjustments which may occur subsequent to January 1, 2017. A listing of bid thresholds is available at: http://www.iowadot.gov/local_systems/publications/bid_limits.htm*

Some of projects may be combined and include portions that are both horizontal and vertical infrastructure. In that case, the more stringent bidding requirements should be used. For example, if utilities are constructed in conjunction with a street project, the horizontal infrastructure thresholds should be used. If the utilities are constructed independently, the vertical infrastructure thresholds can be used.

If donated funds are to cover the entire cost of the public improvement, the City does not need to utilize the processes specified above.

For public improvement projects, the City Engineer can approve change order(s) up to an aggregate amount of \$25,000 without additional council approval. However, if the change order(s) increases the cost of the project by more than 10% from the amount that the Council originally approved, then the current change order(s) and any future change order(s) for the project shall be approved by Council.

All Other Purchases

Purchases of goods or services which fall outside of the definition of a public improvement are governed by different dollar thresholds and processes.

Estimated Total Project Costs	Requirement	Approval Level
Less than \$25,000	Informal Procedures	Department: less than \$10,000; Finance: \$10,000-\$24,999
\$25,000 to \$44,999	Request for Sealed Quotations or Request for Proposal	City Administrator
\$45,000 or greater	Request for Sealed Quotations or Request for Proposal	City Council

Purchases and Contracts less than \$5,000

Any goods and/or services under this threshold may be purchased by Department Directors or their respective designees without receiving quotes if the Department Director/Designee makes a conscious decision that it is not worthwhile based on the minimal savings and the investment of time for staff to get quotes. If Director/Designee makes the decision to get quotes, at least 2 must be obtained.

Purchases and Contracts \$5,000 to \$24,999

The purchase of any goods or services where the total value is between \$5,000 and less than \$24,999 shall require written quotations from at least three suppliers or documentation to substantiate effort to get three quotes. Once department supervisor and/or director approves and contract is signed, if applicable, requester can make the purchase. It is the responsibility of the Department to maintain the quotes.

Purchases and Contracts equal to or greater than \$25,000

For goods or services of \$25,000 or more, a Request for Sealed Quotations or Request for Proposal (RFP) must be utilized. Request for quotes will be solicited for when the specifications and requirements are sufficiently standardized that the quotes can be easily compared with one

another. A Request for Proposal (RFP) will be solicited when specifications and requirements are not standardized and the City wishes the bidder to propose a solution or methodology.

For a Request for Sealed Quotation or Request for Proposal, the Director/designee shall approve the bidder specifications prior to release. The written specifications will include the time, place, and manner for filing quotations/proposals, which may be received by in person, by mail, fax, or e-mail as indicated in the specifications.

Exceptions

There are some circumstances which the thresholds for purchases other than public improvements will not apply. This includes the following situations:

- Already negotiated contracts including state contracts, federal supply schedule or other national procurement associations
- Sole source may be used for OEM (Original Equipment Manufacturer) and warranty repairs, if prior approval is obtained from Council. Sole source is defined as a vendor who is the only one qualified or allowed to perform maintenance based on the manufacturer's warranty or who is allowed to sell parts/goods in a particular geographic location for a product. All purchases involving a sole source vendor where competitive bids are required shall be accompanied by written justification from the Department Director detailing the reason for a sole source purchase.
- On-going services that are under a contract or 28E agreement, including rents and leases, maintenance and service agreements.
- Medical physicals and expenses, employee insurance and benefit programs, and the related third-party administrators.
- Services only provided by one vendor (i.e. utilities, annual dues, subscriptions).
- Travel and Training
- Projects being wholly funded by donated funds

Local preference Policy

The City Council has determined that it is in the best interest to make smaller dollar purchases through local businesses. A local business is defined as any business that owns or leases a building within the city limits of Marshalltown and uses the building for the conduct of business operations within the City. For the purchase of goods or services, if the anticipated cost is less than \$5,000 and the Department Director determines that significant savings to the city from competitive bid or quotation appears unlikely.

This policy shall be interpreted to give a local preference to the extent consistent with state law and this Purchasing Policy. It is not appropriate to solicit bids or quotations, then select a higher bid or quote because of local preference. It does not apply when awarding contracts for public improvements, nor to goods and services purchased with the assistance of federal, state or county funds. It does not apply to other specific circumstances when the application would make it unlawful under state or federal law, including the application under treaty or trade agreements.

Capital Improvement Plan

For goods or services already approved in the annual Capital Improvement Plan (CIP) budget, which is no greater than 10% of the original estimate, the department can proceed without additional Council

approval. Other approval levels based on dollar thresholds still apply.

III. PURCHASING METHODS

The method of purchasing to be used, or how a bid or quote is obtained, is determined by the type of project/purchase as defined above. Regardless of the method required for a purchase, the City of Marshalltown strives to ensure full and open competition, guarantee the objective performance of the contract, and eliminate the possibility for unfair competitive advantages. Proposal selection shall be based on responsiveness to the solicitation, price, quality, deadlines of delivery, warranties, accountability and fulfillment of the service, and other relevant factors.

Informal Procedures

If the estimated total cost of the project is equal to or less than the minimum threshold amount as defined by type of project above, the City may proceed as deemed in the best interest of the City. If the Director/Designee makes the decision to get quotes, at least two must be obtained. A quote can be a telephone quotations, print screens from a website, information from a catalog, or a written amount. It is the responsibility of the Department to maintain the quotes.

For public improvement projects which require an informal procedure, a performance and payment bond is required from the contractor for any work exceeding \$25,000 in total cost, including change orders.

Competitive Quotation Procedures

The competitive quotation process is for vertical infrastructure projects only. The City must make a good faith effort to obtain quotes from at least two contractors regularly engaged in the required work before awarding a contract. Quotes may be obtained after the city provides a description for the work to be completed, including plans and specification prepared by an architect or engineer, and allows all potential contractors and opportunity to inspect the project site.

The quotes received should detail the amount for labor, materials, equipment and supplies. The lowest responsive, responsible bidder shall be awarded the bid, or the City may reject all quotes. A resolution awarding the bid and approving a contract must be approved by the City Council prior to work commencing. The contractor's performance and payment bond, and certificate of insurance, must also be on file before work begins.

If the work can be performed by employees of the city, the city may file a competitive quotation for the work to be performed in the same manner as a contractor. For purposes of comparing the city's quotation to perform the work with city employees to a contractor's quotation to perform the work, the amount of estimated sales and fuel tax which a contractor identified in its quotation must be deducted from the contractor's quotation.

If no quotations are received to perform the work or if the city's estimated cost to do the work with its employees is less than the lowest responsive, responsible quotation, the city may authorize its employees to perform the work.

Competitive Sealed Bid Procedures

This process requires an architect or engineer to prepare plans and specifications as well as calculate the estimated total cost of the project. The process for selecting an architect or engineer is one that is qualifications based, meaning the City should select the best qualified firm to complete this task. See Request for Qualifications below for more information.

Once plans, specification and an engineer's cost estimate are prepared, the City Council must order and

then hold a public hearing on the plans, specifications, form of contract and estimated cost of the project. Following the public hearing the City must then send a notice to bidders, which includes the time and place for filing sealed bids, time and place the bids will be opened, general nature of the public improvement, general timeline of the project, and detail the requirements of the bid security. The notice might also include other pertinent information and that the city reserves the right to reject any and all bids.

The City will also publish a notice not less than 13 and no more than 45 days before the bid filing deadline, as required by law, in the following locations:

- The Construction Update Network
- The City of Marshalltown website

Depending on the scope of the project, a pre-bidding meeting might be necessary to give potential contractors a chance to ask questions about the project. This decision shall be left to each Director/designee.

After the deadline for bids to be received, a formal bid opening will be held. The City must record on the envelope containing the bid the time it was received and the name of the person who received it. Any bid received after the deadline cannot be considered and must be returned to the bidder unopened. After the bids have been opened, the city can award the contract, by resolution, to the lowest responsive, responsible bid or reject all bids and set a new date for receiving bids. The contractor's performance and payment bond, and certificate of insurance, must also be on file before work begins.

Request for Qualifications

A Request for Qualifications should be issued when seeking the best qualified firm for providing professional services, such as architectural and engineering services. Where practical, however, those vendors providing such services should be asked to submit quote or bids to provide the services requested. Such proposals shall be evaluated on the basis of the vendor's reputation, experience, and understanding of the work to be done. Price, while being a factor, may not be the primary factor. City Director, City Administrator and City Council authorization or affirmation is still required at the same dollar limitations.

Request for Sealed Quotations

For purchases of goods or services meeting the above thresholds, the following request for bid process should be used. The Director/designee should have a written set of standards and specifications for which pricing is being sought. Bids are open at an announced time, and each bidder is identified along with the bid amount. The award should go to the lowest responsive, responsible bidder at the appropriate approval levels based on the dollar threshold.

Request for Proposals (RFP)

For purchases of goods services meeting the above thresholds, a Request for Proposal should be used when the City is seeking a service for which there is not a standardized specification for bidders. Instead, a scope of work provided by the City guides bidders on what items should be submitted in a response. Evaluation criteria should also be specified in a bid document and then used to determine the best proposed process and/or firm for the given service. The City is not required to accept the lowest dollar bid in this process. At a minimum, advertisement of this bid should be posted on the City of Marshalltown website. The City may contact known vendors that provide this service to notify them of the RFP. Request for Proposals should be sealed bids so as to prevent any disclosure of process, cost or any other aspects of a proposal. The bid openings for RFPs are not public.

Request for Information (RFI)

This method can be used when the City wants to obtain valuable information from potential suppliers of

goods or services by simply asking for the information from known and qualified firms. Potential suppliers may provide method-valuable information, alternative solutions, and enable the entity to evaluate their approach to the procurement of the good or service.

This method can also be used for contracts for leases or acquisition of real property. A lease or acquisition value is negotiated after considering competitively acquired information about alternatives and values. The City Administrator and Finance Director must be included in these negotiations. Council action is required before any contract is signed for acquisition of real property.

IV. POLICIES RELATED TO THE PROCUREMENT

Outside of the dollar thresholds and approval levels, there are additional policies which departments and City personnel must consider when making a purchase.

Prepayments

The City does not prepay for goods or services or utilize prepaid devices such as gift cards. If a vendor requires prepayment for goods or services, authorization must be obtained from the City Administrator or the Finance Director.

Sales Tax

The City does not pay sales tax for goods or services. Employees should provide the vendor the City's sales tax exemption number. If the vendor does charge sales tax, it will be the responsibility of the employee to get a credit or refund. The exception to paying sales tax is when an employee is paying for items personally and being reimbursed, such as travel expenses, or does not have a Pcard. In those instances, the employee will be reimbursed for sales tax.

Emergency Purchases

Emergency purchases are exempt from getting quotes or soliciting bids when the incident could not be foreseen and the repair/service is required to continue service to the public or to insure the safety of citizens or employees. The City Administrator must provide prior authorization for an emergency purchase.

Procurement Records

Departments are responsible for maintaining all specifications, quotations, selection criteria, performance and payment bonds, certificate of insurance, and contracts. Please see the Iowa Records Retention Manual for further guidance.

Iowa Gift Law

Please see Personnel Policy 2.16 for the City's policy regarding Iowa's Gift Law.

Conflict of Interest

If an elected official or an employee of the City of Marshalltown has a conflict of interest related to the selection, award, or administration of a contract supported by a Federal award, this must be disclosed to the City Administrator or Mayor immediately. A conflict of interest can include when an elected official or employee, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Related Party Transactions

Purchase transactions for goods or services from an officer of the City or an employee of the City, including Board and Commission members, is limited to \$2,000, in any one occurrence, unless the sale is made after

public notice and a competitive bidding process per State law. Regardless of the amount, the employee must disclose the purchase to his/her Supervisor, Department Director, and Finance Director.

State or Federal Grant expenditures

All purchases funded through a State or Federal grant must follow all additional procedures required by the grantor. All bid specifications for a purchase that is funded through a State or a Federal grant must list all additional specifications for the goods or services that are required by the grantor. Contractors must be evaluated when the bids are received on their ability to meet these State or Federal requirements. In addition, no purchases to be covered by the grant can be made prior to the execution of the grant agreement unless approved by the grantor.

Centralized Purchasing:

Goods, services, and equipment that are determined to qualify under any of the following criteria will be purchased and bid by t Department:

- Where bulk purchasing or exclusiveness can save the City money.
- Where consistency across departments creates organizational efficiency
- Where no department is directly responsible for a good or service that affects many departments
- Where the City Administrator determines that it is beneficial for the City to do so

The ordering Department will create bid specifications, solicit bids, and manage contracts for goods, services, and equipment that are deemed to qualify.

For the goods, services, or equipment qualifying under this section, departments must contact the ordering Department for vendor issues, complaints or other related activities.

Qualification for centralized purchasing will be determined by the City Administrator and the Finance Department.

V. PURCHASING PROCEDURES

In order to complete a purchase, the following internal procedures must be used in order to pay for a purchase.

Requisitions and Purchase Order

For goods/services exceeding \$5,000, a purchase requisition must be created in the financial software and be approved by at least the Supervisor or higher authority prior to a purchase being made.

Purchase requisitions shall be approved in the following manner. Department directors may set more restrictive approval requirements within their departments if desired. A higher authority is defined as the City Administrator, Finance Director, or a designee of either.

- Between \$5,000 and \$9,999 must be approved a by (a) a supervisor if applicable and (b) Department Director or higher authority
- \$10,000 and \$24,999 must be approved by (a) a supervisor if applicable, (b) a Department Director, and (c) Finance Director or higher authority
- \$25,000 and over must be approved by (a) a supervisor if applicable, (b) a Department Director, (c) Finance Director and (d) City Administrator or his/her designee.

If the purchase is being requested to be paid out of funds 030 /031(CIP) or is coded to an equipment/vehicle expense of \$5,000 or more, the Finance Department will also approve.

Depending on the dollar threshold and the accounting codes used, the City Administrator or his/her

designee and/or the Finance Department will approve requisitions within 48 hours of receiving a properly authorized requisition.

A purchase order is created from requisitions of \$5,000 or greater. The requisition must be approved prior to issuing the purchase order to the vendor. This number can then be provided to the vendor if requested.

Petty Cash

Petty cash may be used to make change for customers or to make purchases of under \$30 which could not be covered by a procurement card. Approval is required by the supervisor or higher authority and must be signed out from the petty cash custodian prior to making the purchase.

Petty cash should not be used for:

- Travel and training expenses or clothing expenses
- Purchases where the City has a credit account
- Purchases that can be made with the employee's procurement card.

A receipt is required for all petty cash purchases. It should indicate the description of the item, purpose, amount paid, account number to be expended and signature of the receipt.

The Finance Director must authorize any increases or decreases to a department's petty cash. If a petty cash fund is desired, it must be requested and approved through the Finance Director or his/her designee.

Procurement Card (Pcard)

Procurement card (Pcard) may be used to pick up needed items locally, pay for items on the internet, when it is necessary to expedite goods, and when an advance deposit is required (i.e. travel reservations). Supervisors or Department Directors will approve the purchase and sign the monthly recap sheet when coding. The Pcard User must sign and date the invoice, receipt, or order acknowledgement indicating items were received and in good condition. See Purchasing Card Policy for more information.

Employee Reimbursement

Employee reimbursements are for staff that do not have a Pcard and/or need reimbursed for:

- Travel costs (i.e. mileage, motel, meals, parking). Please reference section 2.11, Appendices A-D of the Employee Policy Manual for acceptable travel expenses
- Training costs (i.e. registration fees, educational materials, office supplies)
- Clothing allowances
- Low-cost items that are needed that day (i.e. part)
- Library materials
- Personal cell phone allowance
- Emergency purchases as defined in this policy above.

Employees are required to submit original detailed receipts indicating vendor name, date & time of purchase, and items purchased. Supervisors and/or Directors must approve the employee reimbursement request.

Central Store

Central Store is used for items purchased and then available to all departments (i.e. paper products). The person picking up supplies will list them on a charge-out sheet. At the end of each quarter, the Finance Department will expense the supplies to the Departments.

Budget Approval

Department Directors are responsible to select the most appropriate account number and stay within their overall approved budget for each activity. This means that a specific budget expenditure line can be exceeded as long as the entire activity is not. If circumstances arise where the budget is not sufficient or if the Director wants to make a change, follow these guidelines:

Transfers

If the good or service exceeds the budgeted amount, the Director may request:

- A budget line transfer when moving from one expense line to the other within the same fund and department activity, which nets to zero. This only requires the Department Director's approval. The exception is that you cannot decrease wages or benefit lines and move the savings to other budget lines.
- A budget line transfer between funds or department activities, but within the same budgetary function as defined by State Code, requires the Department Director and Finance Director's approval.
- A budget transfer between budgetary functions requires approval of the public through a budget amendment. Prior authorization must be sought from the City Administrator and Finance Director who will in turn present it to the City Council for approval.

Exceptions

In the event that a purchase or service was not planned in the original budget and it exceeds planned budgetary function levels, prior authorization must be sought from the City Administrator and Finance Director who will in turn present it to the City Council for approval.



James L. Lowrance, Mayor
Jessica Kinser, Administrator
Diana Steiner, Finance Director
24 North Center Street
Marshalltown, IA 50158-4911
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FINANCE DEPARTMENT

October 6, 2017

**To: Mayor James L. Lowrance
Members of the City Council**

From: Diana Steiner 

Re: Purchasing Card Policy

Policy Issue: Council is required to approve new policies

Recommendation: Staff recommends approving the new policy.

Background: Currently the existing Purchasing Policy contains information related to the Purchasing Cards. This information has now been moved into its own separate policy. If credit card vendors change it will be easier to update this 2 page document than the larger Purchasing Policy. For some staff, the purchasing card is the only type of procurement they are involved with, so a shorter policy is beneficial.

Budget Impact: None.

Attachment: New Proposed Policy for Procurement

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Dan Kester, Bill Martin, Bethany Wirin



Marshalltown



CITY OF MARSHALLTOWN PURCHASING CARD POLICY AND PROCEDURE MANUAL

Title: **FINANCIAL POLICY**

Date of Version: **OCTOBER XX, 2017**

Section: **PURCHASING CARD POLICY**

Resolution No.: **2017-**

The purpose of a purchasing card program is to provide an efficient, cost-effective method of purchasing and paying for small-dollar as well as high-volume, repetitive purchases. This type of program is designed as an alternative to the traditional purchasing process reducing the volume of purchase orders, invoices and checks processed. Purchasing cards can be used when the dollar amount does not require a purchase order (less than \$5,000). Benefits of using the purchasing card program include:

- Simplifies and makes more convenient purchasing without a purchase order
- Expedited delivery of goods
- Expanded list of merchants from whom purchases can be made
- Reduces amount of payments made to individual vendors
- Increased management information of purchases and personnel making purchases
- Allows purchasing dollar limits
- Vendors receive expedited payments and reduced paperwork
- Eliminates reimbursements from Petty Cash
- Credit card vendor may provide a reward program based on amount charged.

Each department will determine how many purchasing cards will be issued and monitor activity and assign accounting numbers. Analysis by cardholder, vendor, or volume can be retrieved directly over the Internet. Each issued card will include the individual's name along with the City's name. The Sales Tax Exemption number will be furnished to the cardholder and should be used whenever possible (exception for travel expenses). Each department shall bear all costs associated with the use of the card. The Finance department shall solicit competitive bids for the selection of and terms for the use of a purchasing card for City use. A written agreement with the successful bank will include fees, rebates, and processing procedures.

Spending and transaction limits for each cardholder, per transaction and on a cycle basis, shall be negotiated between the Department Director and the Finance Department.

Each employee issued a purchasing card will be required to sign an affidavit acknowledging responsibility for the safe keeping and proper use of the card. Upon employee termination, both voluntarily or due to disciplinary action, the HR Director will collect the purchasing card and return to the Finance Department. The Finance Department will cancel the card and close the employee's account..

Any card may be withdrawn from the program for misuse, which shall include, but is not limited to periodic audits for card activity and retention of sales receipts and documentation of purchases.

Lost or stolen cards must be reported to the credit card company immediately and the Finance Department. The card will be cancelled and a new card will be sent to the Finance Department. Any cost associated with the replacement of cards will be bore by the responsible department.

The detailed sales receipt for each transaction shall be submitted to the Finance Department. All receipts must be approved by the Department Director and the appropriate account number assigned. Some credit card "swipe machines" only indicate account number and total amount, in these situations, the cash register detailed receipt is also required. The reader of the receipt should be able to tell exactly what was purchased.

Purchases using the purchasing card may be made by telephone, fax or secure Internet sites. Precautions should be made in all cases to insure security and protection from theft or unauthorized use. Each transaction should reflect the appropriate purchasing card number, signature of user and detailed invoices (receipts) which should be forwarded to the Finance Department. Request a receipt with each shipment or with the item to be picked up. If ordering on the internet, print your order confirmation.

CREDITS/DISPUTED ITEMS AND CHARGES

The handling of disputed charges and unauthorized purchases will be the responsibility of the department. Problems with a purchased item or billing resulting from use of the purchasing card should be resolved with the supplier or merchant that provided the item. In most cases, disputes can be resolved directly between the cardholder and the supplier.

The supplier or merchant should issue credit for any item that has been discussed and agreed to for return and a Returned Goods authorization number from the supplier should be given. If the department cannot reach resolution with the merchant, write a formal letter within 60 days of the date the charge first appeared on the statement and forward it to finance. Finance will then dispute the item to the credit card disputes department.

No cash advances shall be allowed with the purchasing card.

REWARD PROGRAM, IF AVAILABLE

The Finance Department will redeem rewards and allocate to the departments based on their credit card purchases.

GOAL 1: EXPAND AND IMPROVE HOUSING STOCK IN THE COMMUNITY

Objective 1: Support Marshall Economic Development and the Marshalltown Central Business District in their recruitment efforts

- Identify locations for infill development
- Continue to support downtown housing redevelopment
- Create a plan for anticipated low-to-moderate income housing withholding for residential TIF projects.

- ⇒ Downtown Urban Renewal Plan has been amended; will discuss specific ways in which we can work with the MCBD on housing redevelopment
- ⇒ City is providing \$2,500 to an updated housing study to MED which is a Vision Marshalltown goal
- ⇒ City staff continues to participate on the Vision Marshalltown Housing Committee

Objective 2: Assist developers with information about the development process and infrastructure

- Provide information in an easily accessible location on the City's website

- ⇒ City staff is looking to include a section on the new website (to be complete by the end of 2017) to assist developers
- ⇒ Development meetings still occur as needed

2017 3rd Quarter Summary:

The infill development projects which were proposed for 6th Street have both been put on hold. The Housing and Community Development Department has worked with the Marshalltown Mall through rezoning and subdivision process which would include a parcel proposed for multi-family housing. The Schrom Properties Development has 4 of 9 buildings complete. A new housing study is underway through MED.

WHAT DO WE WANT TO DO?

HOW WILL WE KNOW OUR ACTIONS WERE EFFECTIVE?

GOAL 2: ENHANCE MARSHALLTOWN'S PUBLIC IMAGE

Objective 1: Visually enhance the appearance of neighborhoods in Marshalltown

- Continue the Dangerous and Dilapidated Building Program
- Reapply for the HUD Lead Hazard Control Grant in 2017

Objective 2: Improve communication of City programs and initiatives

- Enhance the City's social media presence
- Update the City's website to incorporate useful tools for citizens
- Conduct a Citizen Survey
- Continue to hold the Police and Fire Citizens Academies and find a permanent funding source
- Develop and hold a general Citizens Academy to cover all departments

Objective 3: Promote public art throughout the community

- Develop a plan for art in City Council Chambers
- Develop a plan for art in the new Public Safety Facility
- Continue to identify ways to incorporate art into parks and recreational spaces
- Continue to work with the Arts and Culture Alliance and MPAC to promote public art

⇒ City has tax certificates for 3 properties; 3 tax sale deeds were obtained in July

⇒ Council approved engineering for medians on Hwy 14 in September

⇒ Code Enforcement Inspector approved in August

⇒ Lead grant was not awarded; additional grant opportunities related to housing and neighborhoods are being pursued

⇒ Website development is underway which will include changes to social media and a social media policy

⇒ Citizens Fire Academy was not held due to a lack of participants

⇒ City has applied for a grant from the National Endowment for the Arts for an Iowa River Trail Master Plan

2017 3rd Quarter Summary:

The 2019 resurfacing of Highway 14 continues to be a springboard for plans to enhance the visual appearance of Marshalltown. The RFP for the 3rd Avenue Corridor Study has been approved by the DOT and Region 6 and will be released in early October. The Council approved the agreement with HR Green for engineering and design of medians along Highway 14.

GOAL 3: CONTINUALLY IMPROVE THE CITY'S ORGANIZATION AND SERVICES

Objective 1: Review policies, procedures, and ordinances for updates

- Review and update the City's urban renewal areas adopted prior to 2012
- Review and update the Council Manual
- Review and update personnel policies
- Review and update the Purchasing Policy
- Recodify the City's ordinances
- Consider adopting the current version of the State Building Code

Objective 2: Develop comprehensive plans for City infrastructure and improvements

- Develop a Parks & Rec Master Plan to include future trail projects
- Continue to implement the Street Improvement Plan
- Develop a comprehensive Building Maintenance Plan
- Incorporate new and existing plans into a city-wide Capital Improvement Plan
- Continue the planning, design and construction of the Public Safety Facility
- Develop a plan for enhancements at the Airport

Objective 3: Recruit, retain, and train employees in order to maintain a successful workforce

- Continue to provide employee training opportunities, including cross-training of positions
- Conduct an employee survey
- Continue to focus on safety in the workplace

Objective 4: Review existing City functions and finances for efficiencies

- Maintain a Code Enforcement/Nuisance Abatement program
- Staff the MS4 program in order to comply with the permit
- Consider the creation of an Aviation Authority
- Identify and fund technology that increases the efficiency of departments
- Review revenue options and General Fund fees and charges to determine subsidization from tax levy
- Consider a special election in 2017 to reallocate LOST

⇒ UR Area #4- Downtown Plan approved in August
 ⇒ Council Manual reviewed; approval pending
 ⇒ FD is reviewing changes between 2006 and 2015 versions of Building Code
 ⇒ Revised Purchasing Policy coming forward in October

⇒ Final Parks and Rec Master Plan to be presented on 10/18 to Parks Advisory Board
 ⇒ CIP for FY19-23 is being updated
 ⇒ Police and Fire Facility is officially in construction stage

⇒ Accident Review Committee reviewed 3 accidents in Q3 2017
 ⇒ July loss control visit from IMWCA (Workers Comp) resulted in no recommendations

⇒ Code Enforcement Inspector position approved & hiring underway; Stormwater Coordinator position posted
 ⇒ Parking software/system approved in August
 ⇒ Phone system contract awarded, installation in Aug
 ⇒ FD using The Compliance Engine for to assist with code issues; implementing new reporting software
 ⇒ Review of funding 911 service through E911 Board
 ⇒ LOST Election was a success!

2017 3rd Quarter Summary:

Due to a successful election to reallocate LOST, a Code Enforcement Inspector position is now being funding for FY18. The Stormwater Coordinator position was not filled with the initial posting so it has been reposted.

Revenue options will be reviewed in the next budget cycle.

GOAL 4: PARTNER WITH CITIZENS, FOR-PROFIT, NON-PROFIT AND OTHER GROUPS TO IMPROVE QUALITY OF

Objective 1: Partner with the Marshalltown Central Business District on initiatives that enhance downtown Marshalltown

- Support the MCBBD efforts to create a SSMID
- Consider ways to use tax increment financing to support projects in the District

⇒ City proceeded with SSMID creation process until petitions stopping the process were turned in

⇒ Amendment of UR #4 plan is complete; discussion of a contract with MCBBD coming forward.

Objective 2: Partner with Trails Inc. on trail-related initiatives

- Work with Trails Inc on the Wilson Circle trail head
- Complete the in-city portion of the Iowa River Trail
- Continue efforts to enhance the trail system throughout the City
- Identify outside funding for trail-related projects

⇒ Staff continues to work with Trails Inc.

⇒ Trail paving continues in Marshalltown is complete

⇒ Areas of Linn Creek trail identified for repair

Objective 3: Work with other entities on partnerships which benefit the community

- Identify County-held tax certificates which are of use to the City
- Continue and expand the SRO program with the Marshalltown Community School District
- Consider applying to be an Alliant Hometown Rewards community
- Work with community stakeholders to develop and implement a wayfinding system
- Support the Sister Cities Program

⇒ Report to Council in September of the Sister Cities program, with request for funding in future

⇒ Initial meeting with CVB and Vision Marshalltown regarding wayfinding; committee to meet in October to discuss further

⇒ Annual Monarch and Milkweeds programs was held in conjunction w/ DNR, Marshall Co Conservation, and CVB w/ 95 people in attendance

⇒ Continued work with 13th Street District and Marshalltown Soccer Club on the West End Futsal courts

Objective 4: Continue involvement of City employees in various groups which support quality of life

- Support public safety related groups like Crimestoppers, the Red Cross smoke detector installation, and neighborhood watch programs
- Continue to support and participate in the next All-America City application
- Support Vision Marshalltown and its committees and initiatives

⇒ Worked with Trails Inc., MPAC and Arts and Culture Alliance on NEA application

⇒ Chief Rierson now serves on the Rotary Board

2017 3rd Quarter Summary:

The MCBBD and City have worked together on both the Urban Renewal Plan and the SSMID effort in the last quarter. The staff and Council support for Trails Inc. and the Iowa River Trail have continued as well. Other partnerships are considered as they are identified.



PURCHASING POLICY and PROCEDURE MANUAL

April 14, 2003
Amended May 12, 2014

- Amended to include Local Bidder Preference, 12/08/2003, Res #2013-293
- Further amended to revise the threshold dollar amounts for bids/quotations, assign responsibility for approval, and amend Local Bidder Preference, 5/12/2014, Res #2014-060

CITY OF MARSHALLTOWN, IOWA

PURCHASING AND PROCEDURAL MANUAL

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SECTION 1
RESOLUTION
ADOPTING POLICY

Resolution #2003-073 Adopting policy passed 4/18/2003

Resolution #2003-293 Local Bidder Preference Policy Passed 12/8/2003

Resolution #2014-060 Adopting policy as revised 5/12/2014

SECTION 2

INTRODUCTION

PURCHASING - GENERAL DISCUSSION

Purchasing for the City is one of the most important functions because every department requires supplies and equipment to operate. Other than payroll, purchasing represents the largest portion of municipal operating expenditures.

This section is included for the Council and General Public for three major reasons:

- 1) To serve as a guide for improving purchasing efficiency and operations;
- 2) To maintain compliance with state and local laws pertaining to municipal purchasing; and
- 3) To maintain compliance with annual budget and long term purchasing needs

This manual is intended for use as a guide to procedures that departments in the City shall follow in the procurement of supplies, equipment and contractual services. The goal of this manual is to assist departments in the City's procurement process, and to establish consistent purchasing operations, maintaining certain controls to obtain needed supplies and services efficiently and economically. The cooperation of all employees, administration and vendors is essential if the City of Marshalltown is to obtain maximum value for each tax dollar spent.

Requests and suggestions for changes to this manual may be submitted to the Finance Director/City Treasurer at any time. When it appears that a proposed change may be inconsistent with state law, local ordinances, or administrative rules, the matter shall be submitted to the City Attorney for an opinion. All changes in this manual shall be approved by City Council by resolution to be effective. When changes are effected, new pages covering such changes will be sent to recipients of the manual. Those who have copies shall keep them up to date by replacing the old pages with the change supplements.

It is important that the City deal only with Vendors whose conduct is compliant with federal, state and local laws. Not only does illegal vendor behavior reflect poorly upon the City, but it may also adversely affect the ability of competing businesses who wish to conduct business with the City while obeying the law. It shall be considered sufficient cause to cease doing business with a vendor if that vendor is convicted of violating the law in any aspect of its business operations, or investigation reveals a probability that the vendor is violating the law in any aspect of its business operations. This specifically includes, but is not limited to, vendors which hire undocumented workers, or which knowingly continue to employ workers who become unauthorized under the federal Immigration Reform and Control Act of 1986 (IRCA). A vendor with an existing

business relationship with the City will be given written notice of the City's intent to terminate its relationship with that vendor, and an opportunity for a hearing with the supervisor of the affected City Department, prior to the effective date of the termination.

PROCUREMENT - PURCHASING

Procurement or Purchasing is:

1. The determination of what to buy, that is, the physical and performance specifications of the goods or services to be bought and the quality and quantity to be obtained.
2. The identification and selection of potential sources of supplies.
3. The qualification of sources and of the products they will supply (vendor).
4. The design of the request for proposals (RFP) and the solicitation of bids.
5. The negotiation of price, terms and conditions with a selected vendor and the allocation of the purchase amounts among them.
6. The monitoring of supplier performance and the conduct of ongoing supplier relations, including but not limited to:
 - The management of technical activities and support
 - Delivery schedules and transportation arrangements for incoming shipments
 - Audits of vendors cost
 - Accounting for equipment and materials owned by the buyer and located on the vendor's premises
 - Feedback on vendor's performance
 - The resolution of delivery, product quality, service, and other problems
 - The handling of any claims against the vendor for failure to perform
 - Discounts and payment cycle tolerance
7. The establishment of procurement policies, control systems, and resolution of service problems.
8. The management of inventories of purchased parts, materials and supplies.

9. The disposal of surplus, waste and scrap materials.

Optimally, purchasing operations should be centralized into one department, agent, or officer. As resources become available, it is the desire for this position and method of purchasing to be implemented. It can be substantiated that central purchasing will benefit the taxpayers of our community by insuring better internal control, efficiency, consistency, accurate accounting and budgetary control. In addition, the purchasing power of all departments is pooled so that a focus will be given to lower prices and better services can be attained. To accommodate centralized purchasing, manpower must be considered along with the storage and distribution of supplies. As funding becomes available, this practice should be implemented.

Currently, all purchases of fixed assets, materials, supplies and services are coordinated through the Department Director or designee who oversees bid solicitation and approves purchases. Approval of the City Administrator or Council must be obtained in cases in which the department director is uncertain of the propriety of the purchase, the purchase exceeds a certain dollar limit as set by this policy, or the City enters into a contractual agreement under the guidelines of this manual.

Department Directors are strongly encouraged to cross departmental lines and seek advice or assistance from other departments in formulating specifications for bids or quotations when that expertise exists outside one's own department, so the city can get the product or service best suited for the need at the lowest price.

The Department Director must develop and maintain a strong code of ethical conduct. In doing so, he or she will build a reputation as an honest person while placing himself/herself above reproach. The relationship, which is developed between a Department Directors and vendors, must also be protected. From time to time, vendors may present gifts to a department. Employees or City Officers are expressly prohibited (See Section 68B.22 Code of Iowa) from accepting directly or indirectly, from any person, company or corporation to which any purchase order or contract is or is reasonably expected to be awarded, any rebate, given money, discount, or anything of value except where given for the direct use and benefit of the City. If a situation should arise where an Agent is in doubt, ask the City Attorney for direction.

The Department Director, or designee shall be responsible for:

- 1) Consistent purchasing for all departments according to the rules and regulations established by the City Council, Procedural Manual, State Code, and/or Department Director;
- 2) Supervising the delivery of all material;
- 3) Maintaining a file on price quotation of supplies most frequently purchased by unit; and,

- 4) Maintaining other supplemental data to assist in making purchases at the best price possible.

The purchasing system allows vendors to deliver supplies and equipment only if an official authorization has been properly issued. Payment for goods or services is only released after the Department Director is satisfied that the goods are in satisfactory order and/or that services or contractual agreements were completed as required and the appropriate W-9 has been filed with the Finance Department.

This purchasing policy manual generally does not apply to either the Library or the Water Works, which operate under the supervision of their respective Boards.

NOTICE

Any and all contracts or agreements hereafter made by any representatives of the City, without complying with the terms of this Policy shall be void and shall not be enforceable, and the performance of same and payment of any money there under may be enjoined by any property taxpaying citizen of the City.

All sealed bids shall be opened at the handicap accessible place designated in the public notice. This will take place on the day and time specified in bidding requests and advertisement of bids. This will allow time before Council meetings to evaluate all bids and proposals to insure the best selection for the expenditure dollar.

BUDGETARY CONTROL

The City shall use a system of "Line Item" account numbers. The purpose of these numbers is to provide an accounting basis upon which expenditures can be classified and monitored, as well as to provide a consistent means for forecasting and budgeting future expenditures.

It shall be the responsibility of the Finance Department to maintain and distribute a current, functional listing of account numbers. It is the responsibility of the operating departments to determine and assign the most appropriate account number for each item or service purchased. Upon review of the assigned account number, representatives of the Finance Department may alter said assignment with written/email notification to the department.

If a supply or service exceeds the budgeting amount in the line item to be charged, a budget transfer may be requested. When the budget to be transferred is within the fund/activity (moving from one line item to another) a "Budget Line Item Transfer Request Form" should be filed with the Finance Department. (See Appendix A) Only the signature of the Department Director is needed on this form.

If the budget transfer is between activities (i.e., 110 to 111, Police Administration to Police Patrol), a "Budget Transfer between Activities Form" should be filed with the Finance Department. (See Appendix A) Signatures from the Department Director and Finance Director/City Treasurer are required for this transfer. Execution of this transfer must be within the same budgetary program as defined by State Code. This transfer is optional, based upon the management technique used by the Department Director. The Finance Director/City Treasurer shall report such transfers within the monthly financial reports.

Budget transfer requests between programs require approval of the public through a budget amendment. (Section 384.18 of the Iowa Code.) This request should be submitted on a "Request for Additional Funds and/or Budget Form". (See Appendix A) Prior authorization must be sought from the City Administrator and Finance Director/City Treasurer who will in turn present it to the City Council for approval.

In the event that a purchase or service was not planned in the original budget or exceeds planned program funding levels, prior authorization must be sought from the City Administrator and Finance Director/City Treasurer who will in turn present it to the City Council for approval. This request should be submitted on a "Request for Additional Funds and/or Budget Form". (See Appendix A)

Not less than annually, the Finance Director/City Treasurer shall cause a budget amendment and transfer resolution to be prepared for adoption by the City Council to prevent any program from exceeding its limit as set by the approved budget.

SOLICITING BIDS

It is recommended that competitive bids or informal price quotations be obtained on all purchases of goods or services, if it can be reasonably anticipated that the bids will be competitive and result in a savings.

On low-value purchases, telephone calls to a few known suppliers are sufficient. For higher priced or larger quantities of items, the Department Director may want to do a more thorough investigation into potential suppliers and their prices.

SECTION 3

GOOD FAITH QUOTATIONS

VERSUS FORMAL BIDS

GOOD FAITH QUOTATIONS

Iowa Code 26.14(2)(e) currently requires that public improvement projects with an “estimated total cost” in excess of \$36,000, but not more than \$100,000.00, or the adjusted competitive bid threshold established in section 314.1B, shall make a good faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Good faith effort shall include advising all contractors who have filed with the governmental entity a request for notice of projects. The governmental entity shall provide such notice in a timely manner so that a requesting contractor will have a reasonable opportunity to submit a competitive quotation. Quotations may be obtained from contractors after the governmental entity provides a description of the work to be performed, including the plans and specifications prepared by an architect, landscape architect, or engineer, if required under chapter 542B, 544B, or 544A, and an opportunity to inspect the work site. The contractor shall include in the quotation the price for labor, materials, equipment, and supplies required to perform the work. If the work can be performed by an employee or employees of the governmental entity, the governmental entity may file a quotation for the work to be performed in the same manner as a contractor. If the governmental entity receives no quotations after making a good faith effort to obtain quotations from at least two contractors regularly engaged in such work, the governmental entity may negotiate a contract with a contractor regularly engaged in such work.

The governmental entity shall designate the time, place, and manner for filing quotations, which may be received by mail, facsimile, or electronic mail. The governmental entity shall award the contract to the contractor submitting the lowest responsive, responsible quotation subject to section 26.9, or the governmental entity may reject all of the quotations. The unconditional acceptance and approval of the lowest responsive, responsible quotation shall constitute the award of a contract. The governmental entity shall record the approved quotation in its meeting minutes. The contractor awarded the contract shall not commence work until the contractor’s performance and payment bond has been approved by the governmental entity. A governmental entity may delegate the authority to award a contract, to execute a contract, to authorize work to proceed under a contract, or to approve the contractor’s performance and payment bond to an officer or employee of the governmental entity. A quotation approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next regular or special meeting of the governing body.

PERFORMANCE BOND REQUIREMENT

Iowa Code section 573.2-.5 currently requires that any public improvement contract which equals or exceeds \$25,000.00 (which include projects which are not required to be bid, or even be competitively quoted) shall require a performance bond, unless the contractor or certain sub-contractors are “targeted small businesses” as defined in Chapter 12 of the Iowa code and the bond requirement is waived. The contract may not require the bond be supplied by any particular bonding company. The amount of the bond shall be not less than 75% of the contract price, unless the contract provides for no payments until after the public improvement has been completed, in which case the amount of the bond shall not be less than 25% of the contract price.

Please note that if the estimated cost of the project is less than \$25,000.00, but the best quotation comes in higher, then the actual cost exceeds the requirement for a bond. It is based on the actual contract price, not the estimated price.

WHEN SOLICITATION OF FORMAL BIDS IS REQUIRED

If the total “estimated cost” of a public improvement project, excluding the cost of architectural, landscape architectural, or engineering design services and inspection, exceeds \$100,000.00, or such other “adjusted competitive bid threshold established in accordance with section 314.1B” (per Iowa Code 26.3), the City shall obtain formal, written, competitive bids. The bid thresholds under Iowa Code section 314.1B are fixed on or before August 1 of every other year, or of every year if determined necessary by the subcommittee (Iowa Code 314.1B(3)), and are divided into “horizontal” projects and “vertical” projects.

Even though the estimated cost of a public improvement may fall below the threshold amount for formal bidding requirements, , Department Directors should solicit formal bids when there is potential cost savings.

TYPES OF FORMAL SOLICITATIONS (Bids, Quotations, Proposals)

- A. Competitive Sealed Bidding or Invitation to Bid: Vendors are invited to bid on an item that has specified requirements where comparison across bidders is facilitated. This is the required method of source selection (except as allowed by Code and Rules) and award is made to the lowest responsible bidder meeting specifications.

An Invitation for Bid (IFB) is the solicitation of competitive, written, sealed bids based on specifications of the required equipment, material, and/or service. These are sometimes called “formal bids” because bids are usually submitted to the City Clerk where they are held until there is a public opening of the bids, and because bids are reported to the Marshalltown City Council for award at a City Council meeting. There are normally two types of formal bids:

1. Public Improvement Projects:

a. Definition: A public improvement project is most often construction related.

(1) Included are buildings, additions, utility system improvements, street and infrastructure construction and improvements, and improvements to existing public buildings and other structures.

(2) Materials purchased for installation by others, the completion of which will result in a public improvement, are also included.

b. Notice of Public Hearing and Award of Contract:

(1) Preparation of the contract documents will include preparation of the notice as required by the *Code of Iowa 362.3, 384.96 and 384.97*.

(2) The notice will be furnished to the City Clerk with the preliminary plans and specifications.

(3) The notice will be furnished in a format suitable for publication, presented in a written and electronic (Word or PDF) format.

(4) The City Clerk will arrange for publication of the notice.

2. Commodities and Services:

a. Definitions:

(1) Commodities: Commodities are defined as equipment, materials, supplies, and other tangible goods.

(2) Services: For the purposes of the Purchasing Policies, here are two types of services:

(a) Professional Services: Professional services are defined as architectural/engineering and related design services; legal services; medical services; software designers and other consulting services.

- (b) General Services: General services include all contractual services not included in professional services.
- b. An Invitation to Bid may also be used for the purchase of commodities and general services that are not public improvements. This includes fleet equipment, routine replacement of plant and movable equipment, repair parts and services, and services for the repair and maintenance of City equipment and facilities.
- c. Notice of Request for Bids: Unless required by the *Code of Iowa* or other Federal, State, or local laws, ordinances or policies, publication of a notice is not required. However, when publishing a Notice of Request for Bids is determined to be in the best interests of the City, preparation of the contract documents will include preparation of the notice.
 - (1) Notice will be furnished to the City Clerk with the bid documents.
 - (2) The notice will be furnished in a format suitable for publication, presented in a written and electronic (Word or PDF) format.
 - (3) The City Clerk will arrange for publication of the notice.
- 3. The City Clerk will be furnished with a complete copy of the contract documents for all Invitations to Bid, upon issuance, and, when applicable, prior to consideration of proposed bid documents by the Marshalltown City Council.
 - a. The City Clerk will be furnished with copies of all addenda, change orders, and other official correspondence concerning the bid.
 - b. The City Clerk will receive original bid responses and related bonds, change orders, and other bid/proposal documents.

- B. Multi-Step Sealed Bidding. This is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the City staff and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered. This method may be used when it is impractical to prepare a definitive description that will be suitable to permit an award based on price. Award is made to the lowest cost-responsive bidder meeting specifications.
- C. Written Requests for Competitive Quotations/Bids: A Request for Quotation/Bid (RFQ) is the solicitation of written offers and/or pricing based on specifications of the required equipment, material, and/or general service. These are sometimes called “informal bids” because there is usually not a public opening, and the award is generally not made by the City Council, unless the amount exceeds \$35,000.
- D. Small Purchases - Verbal Quotations: When procurements are for supplies or services (other than professional and artistic) for \$5,000 or less and have a non-renewal term of one year or less, they can be considered “small purchases”. This category of purchase has more lenient rules than high priced purchases. Sometimes referred to as “phone quotes”, these are verbal requests for pricing. This type of price solicitation is usually used for readily available parts, supplies, and/or general services of a non-technical nature for which no written record of the quotation is deemed necessary.
- E. Written Requests for Proposal (RFP): Written requests for proposal are typically used when specifications and requirements are not standardized and the City wishes the bidder to propose a solution or methodology. This method may be used on a case-by case basis when it is determined by the Department Director that competitive sealed bidding is either not practicable or advantageous. The solicitation of proposals may be to furnish equipment or general or professional services. Proposals are requested based on general requirements and/or guidelines and those persons or companies submitting proposals may offer the equipment or services they have determined to be best suited to the general requirements stated in the RFP. Proposals will usually differ in the details of what is offered by those submitting proposals; the details and/or pricing of proposals are usually subject to negotiation.
1. This method is usually used to procure professional services.

2. An RFP may also be used for the purchase of equipment that is designed and built for a specific project, or if more than one type of equipment will suit the intended purpose and “results” along with “performance” is the emphasis of the specification.
 3. Proposals may also be used for general services when the companies who are expected to respond will offer different levels of service or have a range of qualifications that are to be considered in addition to price.
 4. Proposals may also be used if a number of special criteria have been established, and included in the proposal documents, for the evaluation process.
- F. Sole Economically Feasible Source: This method is permissible when a competitive bid or competitive quotation is not required by state law or by this purchasing policy and a product or service is only available from a single supplier, such as parts available only from an OEM, or under an existing warranty.
- G. Competitive Selection Procedures For Professional And Artistic Services: This method is used for procurements of professional and artistic services and usually accomplished via a proposal in response to an RFP. Award is the most qualified vendor who will perform at a fair and reasonable price.
- H. Request for Information: This method is used exclusively for contracts for leases or acquisition of real property. A lease or acquisition value is negotiated after considering competitively acquired information about alternatives and values. The City Administrator and Finance Director must be included in these negotiations. Council action is required before any contract is signed for acquisition of real property.

DOLLAR BASIS FOR BIDS/QUOTATIONS, OR PROPOSALS

- A. Public Improvement Projects. The method for determining the cost of a public improvement projects is governed by Chaptered 26 of the Iowa Code. The threshold dollar amounts for formal bids and for competitive quotations are subject to change every two years, or more often, at the discretion of a committee established under Iowa Code section 314.1B. These projects require City Council approval of the form of contract, specifications and engineer’s estimated cost. You should consult with the Engineering Department concerning the current dollar amounts which determine whether formal bids, or competitive quotes, are required. If the dollar amount of the public improvement project meets the threshold for formal bids, an engineer is required to certify the estimated cost and to prepare the plans, specifications and form of contract.

- B. Contracts Funded Entirely By Grants. Grant funds are often conditioned by rules which define the process by which contracts are approved. Once the grant funds are accepted, those rules must be followed even if different from this policy. For example, HUD rules currently require sealed bids, but do not require council approval of specifications or form of contract. The Housing Department obtains Council pre-approval of the specifications, form of contract and pre-authorization to go out to bid and to accept the lowest bid. The Council does not approve the bids after they have been opened, which could delay and disrupt the schedule required by HUD for awarding the contracts.
- C. Invitation to Bid (formal bid): Competitive sealed bids will be solicited for purchases of materials, equipment, and general services (other than public improvements) in excess of \$100,000. The IFB shall specify that City Council approval of the lowest responsible bidder is required.

Solicitation of Competitive Bids: Written competitive bids will be solicited for all purchases of materials, equipment, and general services with an estimated cost of more than \$35,000, but does not exceed \$100,000, and the Department Director has determined that a competitive bid would not be of significant value or competitive nature.

- D. Solicitation of Competitive Quotations Competitive quotations will be solicited for purchases of materials, equipment, and general or professional services when the specifications and requirements are sufficiently standardized that the quotations can be easily compared with one another, and when the estimated cost is more than \$5,000, but does not exceed \$100,000, and the Department Director has determined that a competitive bid would not be of significant benefit. The Department Director may delegate to someone else within that department the responsibility for obtaining competitive quotations or proposals for materials, equipment and general services when the estimated cost does not exceed \$10,000. When such costs are less than \$5,000, the Department Director may determine that sole source, local preference or other purchase without competitive quotation is appropriate.

Competitive Proposals: Competitive Proposals (as defined in paragraph E under Types of Formal Solicitations, above), differ from Competitive Quotations in that the precise means or methods may not yet be defined well enough for cost comparison purposes at the time of solicitation; the price may need to be negotiated after the proposed approaches have been received and evaluated. Once the price has been determined, approval of the particular proposal will be made by City Council if \$35,000 or more, or by Department Heads or City Administrator, according to these rules

Sole Source Negotiation: Sole source equipment, materials, and/or general services may be utilized for purchases costing less than \$5,000.

- E. All Purchases Over \$5,000: All public improvements, purchases of equipment, materials, professional services, and/or general services costing more than \$5,000 shall be approved by the City Administrator, and notification given to the Finance Director.
- F. All Public Improvements, regardless of dollar amount, and all other Purchases Over \$10,000, but not requiring City Council approval (e.g., not involving purchase of a motor vehicle, or less than \$35,000), shall be listed and delivered to the City Clerk for inclusion in the Council packets at its next regular meeting. The listing shall include the item of equipment or service, the identity of the successful bid or quotation and the number of bids or quotes obtained. As to public improvements, Iowa Code §26.14(3)(b) currently provides: "A governmental entity may delegate the authority to award a contract, to execute a contract, to authorize work to proceed under a contract, or to approve the contractor's performance and payment bond to an officer or employee of the governmental entity. A quotation approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next regular or special meeting of the governing body." Therefore, public improvements below \$36,000, which do not require council approval, must be included in the council packets for **the next regular or special meeting**, regardless of the dollar amount involved.
- G. Recurring purchases which cannot be reasonably predicted, such that bids or quotations can be obtained in advance, shall not be aggregated over a month, quarter or year to determine the cost amount for purposes of this policy.
- H. The purchase of any new or used motor vehicle, regardless of bid or quotation price, must be subject to City Council pre-approval.

EMERGENCY EXCEPTION

The solicitation of bids or competitive quotations is not necessary when emergency repairs or provisions of service could not be foreseen and are required to continue service to the public or to insure the safety of citizens or employees.

SPECIAL CONDITIONS

- A. Affirmative Action Compliance: Contractors awarded contracts in excess of \$10,000 must satisfy the requirements of the City's Affirmative Action Program. Bid documents for contracts in excess of \$35,000 will include Affirmative Action compliance requirements.

B. Bonding and Insurance Requirements: Bid/Proposal documents will include requirements for performance bonds and liability insurance coverage with types and amounts of coverage as determined appropriate by the City Administrator. Types of contracts requiring performance bonds and/or insurance coverage include:

1. Public Improvement Projects with estimated costs in excess of \$25,000;
2. Contracts for services to be performed on City and public property including grounds, streets, rights-of-way, and facilities;
3. Contracts for professional services; and
4. Contracts under which the Contractor will have possession of City equipment.

C. Bonding:

1. Bid Bonds:

- a. Public improvement projects will include requirements for bid bonds, the minimum amount of which will be in accordance with the *Code of Iowa*.
- b. Other bids should require bid bonds when the Department Director or City Administrator determines it to be in the City's best interest.

2. Performance Bonds

- a. Public improvement projects will requirement performance bonds, the minimum amount of which will be in accordance with the *Code of Iowa Chapter 573, currently \$25,000.*
- b. Other projects may include the requirement for a performance bond if determined to be in the City's best interest.

D. Retainage:

1. Public improvement contracts will include retainage, the minimum amount and terms of which will be in accordance with the *Code of Iowa*.
2. Other contracts will include a retainage requirement if it is determined to be in the City's best interest.

E. Lien Waivers:

1. Public improvement contracts will include the requirement for lien waivers in accordance with the *Code of Iowa*.
2. Other contracts may include the requirement for lien waivers if it is determined to be in the City's best interest.

F. Mediation and Arbitration Clauses:

1. For possible dispute resolution mediation and arbitration clauses should be included in the contract documents. Mediators and Arbitrators can have construction background where juries will not. In a study as of 2000, 95% of all mediations ended with a settlement.

G. Availability to Other Cities and Other Political Subdivisions: Bids will be made available to other political subdivisions in accordance with the *Code of Iowa* and other applicable Federal and State regulations.

EVALUATION CRITERIA

- A. Evaluation criteria will be stated in the bid/contract documents.
- B. Using departments will state any requested evaluation criteria when providing information for creation of the solicitation.
- C. If no evaluation criteria are listed, it is assumed that the award will be made to the lowest responsible, responsive bidder.
- D. Bidders not in compliance with the requirements stated in the bid documents are considered non-responsive and will not be considered further. The Council can waive irregularities if it does not provide an unfair advantage to one contractor.

Deem not responsive, do not open or read it:

- 1) Bid bonds is not signed or amount is not correct, should reject
- 2) If bid is not properly completed, would waiving the irregularity provide an unfair advantage to one contractor
- 3) Late delivery (time is based on clock at point of acceptance or opening location (reject)
- 4) Not acknowledging Addendums – reject

Responsible bidder – is the bidder qualified. Be careful to reject bids which are not responsive to the bid requirements and judge all bidders on the same published criteria. If there are bid specifications in the contract, those must be followed, as well as the terms of the published notice to bidders. Be sure the performance or bid bond is from a reputable company and that all signers of the bond are authorized in the attached power of attorney.

- E. Failure to properly perform on prior contracts with the City of Marshalltown having a similar scope or nature of materials and/or services furnished will be considered in whether bids, quotations, and proposals are both responsible and responsive.
- F. Tie Bids: If price and all other evaluation criteria are determined to be equal among one or more firms submitting bids or proposals, award will be determined by coin toss, with each tied bidder or quoter invited to attend and witness the event.

CONTRACT AWARDS AND EXECUTION

A. Contract Approval and Award:

1. Contracts for budgeted public improvement projects, or the purchase of services, equipment, or general or professional services with an estimated cost, bid or competitive quotation of \$35,000 or more, and contracts for the purchase of any motor vehicle regardless of cost shall only be awarded by the Marshalltown City Council and executed by the Mayor or Mayor Pro Tem and Attested by the City Clerk.
2. Contracts for budgeted public improvement projects, or the purchase of services, equipment, or general or professional services with an estimated cost, bid or competitive quotation of \$10,000 or more, but less than \$35,000, will be awarded by the Department Director and executed by the Department Director on behalf of the City. Any such contract shall be provided to the City Clerk for inclusion in the Council packets for review at its next regular. Only one purchase order will be issued in conjunction with the award of an executed contract. Partial and progress payments will be reflected with each submission.

CONTRACT ADMINISTRATION

A. Contract administration and management is the responsibility of the department.

1. The City Attorney will be consulted as determined by the Department Director or City Administrator to be appropriate in settling disputes, assessing compliance with the contract requirements and other matters that may arise during the course of the contract.

B. Additional City Responsibility

1. Hold retainage until 30 days after the Council approves a resolution of Final Acceptance upon Certification of Completion on all contracts which required and received City Council approval.
2. If a claim is filed, the Department Director shall submit the claim to the City Administrator for handling in consultation with the City Attorney.

CHANGE ORDERS

A. Changes to Contracts Awarded by City Council:

1. Change orders on contracts previously approved by the City Council shall be submitted to the City Council for approval. The City Engineer may authorize work to proceed pending City Council approval whenever necessary to avoid disruption of work flow.

B. Changes to Contracts Not Originally Awarded by City Council: The Department Director, or designee, will have the authority to approve change orders provided the total contract amount, including all change orders, does not exceed limits established for contracts not requiring City Council award.

C. All Change Orders:

1. The Finance Department will review all change orders for compliance with budgetary guidelines.
2. The Department Director or designee will review all change orders applicable and adjust encumbrances as appropriate (future use).

SECTION 4

LOCAL BIDDER PREFERENCE POLICY

It is the policy of the City of Marshalltown that a bidding preference shall be granted to local bidders in situations where the anticipated cost is less than \$5,000 and the Department Director determines that significant savings to the city from competitive bid or quotation appears unlikely.

Local business is defined as any business that owns or leases a building within the city limits of Marshalltown and uses the building for the conduct of actual business operations within the City.

This policy is adopted to give some preference to businesses that pay taxes and participate in our community. Their contributions should be rewarded by some recognition that they are sharing their revenues with the community in a variety of ways – taxes, jobs, donations to community organizations, etc. Preference should not be so great that it imposes unacceptable costs on the general taxpayer. The costs must be carefully weighed in relation to the benefits received.

This policy shall be interpreted to give a local preference to the extent consistent with state law and this Purchasing Policy. It is not appropriate to solicit bids or quotations, then select a higher bid or quote because of local preference. It does not apply when awarding contracts for public improvements under Section 384.99 of the Code of Iowa, nor to goods and services purchased with the assistance of federal, state or county grants or funds. It does not apply to other specific circumstances when the application would make it unlawful under state or federal law, including the application under treaty or trade agreements.

Resolution #2003-293, Adopted the 8th day of December 2003.

Revised by Resolution #2014- _____ adopted the ____ day of _____, 2014.

SECTION 5

PURCHASING PROCEDURES

GENERAL DISCUSSION

The major steps in the purchasing process are:

- 1) A department establishes the need for a particular supply item or piece of equipment.
- 2) The Department Director prepares a purchase order for issuance to the appropriate vendor. The purchase order indicates the number, type, narrative description and unit cost of the item (s) needed and the full cost of the order.
- 3) Upon receipt of the yellow copy of the purchase order, the Finance Officer determines if sufficient funds are available in the department's budget to pay for the goods to be purchased. With the establishment of the electronic purchase orders, budget authorization will be indicated when each purchase order is prepared.
- 4) If funds are available, the requesting department places the order; the white copy of the purchase order is issued to the vendor.
- 5) Vendor delivers goods to department. Department makes sure packing/receiving report is checked against original order.
- 6) Vendor sends invoice to Finance Department which is copied and sent to the department for verification.
- 7) Department informs the Finance Department of satisfactory receipt of goods specifying amount, condition, and any problems. A receiving report (the pink copy of purchase order) is used to transmit this information to Finance.
- 8) The Finance Department matches invoice against purchase order and receiving report (signed pink copy of purchase order) and, if all is in order, schedules payment.

For the system to operate effectively, certain basic forms and procedures are necessary, as discussed in this section. Also included are sample forms.

The recommended procedures and forms are based on state law; sound purchasing procedure, and principles of good internal control.

SPECIFICATIONS

In all cases, specifications must be available to all potential vendors to insure uniformity in requests and specific standards for comparison of goods or services. Specifications are a detailed and exact statement of the requested material and/or services sought. Specifications must be written in such a manner as to describe the physical, functional or performance characteristics of the material and/or service requested. The requirements must allow for competitive bidding except in cases of sole-source requirements. Sole-source requests, including written justification must be approved by the City Administrator. In all cases, any testing methods to be used in the evaluation of the bids must be stated as part of the specifications.

There are five (5) basic types of specifications to be used:

- 1) Brand Name or Equal Specifications: This type of specification describes a commodity and states a manufacturer and catalog number, which meets the specifications and has been determined to be acceptable. Approval of another manufacturer and catalog number will be given if the alternate can be proven equal to the item described in the specifications. The department determining acceptability and/or equivalency will designate the alternate as "equal".
- 2) Specifications for Common Use Items: This type of detailed specification lists all physical, functional and performance requirements. These commodities are normally not of a technical nature, and an item meeting the requirements as stated by the Department Director would be acceptable Standard specifications.
- 3) Brand Name Only Specifications: This type of specification describes a commodity and states a manufacturer and catalog number. This type of specification calls for a highly technical commodity for which there is no acceptable equivalent.
- 4) Design Specification: This type of specification states the requirements for material to be used and a detailed description of the required-end result. This type of specification is used for items and/or projects which are not readily available on the open market, but which are built-to-suit according to the specifications.
- 5) Performance Specifications: This type of specification emphasizes the functional or performance criteria. Physical description and design requirements are limited. The bidder's response is usually in the form of proposal. It is normally the bidder's option to determine the item and/or service required to achieve the required end result.

ANNUAL CONTRACTS AND/OR PROJECTS

In situations in which a vendor is awarded an annual contract by the City Council for services, rents or royalties and is to receive monthly payments, only one purchase order needs to be issued. Each monthly payment will be recorded on that purchase order and shall be copied as needed to cross reference the vendor file. No additional approval will be needed.

For each vendor awarded a contract for a project, only one purchase order needs to be issued. Each progress payment approved by the Department Director will be recorded on that purchase order, copies shall be made as needed to cross reference the vendor file.

INTERGOVERNMENTAL PURCHASES UNDER 28E

JOINT PURCHASES WITH OTHER GOVERNMENTAL AGENCIES

Prior to entering into an intergovernmental purchasing agreement (a 28E agreement) the Department Director will recommend plans to the City Administrator for pre-approval. The Department Director and/or Finance Director/City Treasurer must demonstrate sufficient budget to cover the City's portion of the expenditure.

Information to be reported shall include the following:

- a) Commodity (ies) to be purchased;
- b) Availability of said commodity (ies) through local merchants and businessmen; and
- c) The governmental agency offering or to be solicited for their cooperation in purchasing said commodity (ies).

After pre-approval has been granted, appropriate agreements shall be submitted to the City Council in resolution form. The Resolution shall state the entities involved, the type of purchase intended, length of agreement, term of agreement (i.e., location of storage, insurance holder, principal persons responsible, maintenance terms), and funding source.

Local merchants and businessmen will be requested to bid on said commodity (ies) if available. These bid packets shall state the following:

- a) The City's intentions to review bids and an intergovernmental cooperative proposal;
- b) The awarding of said bid shall not necessarily be based solely on the lowest dollar amount, but rather the transaction which benefits the taxpayer the most; and
- c) The cooperative governmental agency or municipality will be identified with mailing address and their purchasing representative's name.

Upon approval, the Council must adopt a resolution approving any intergovernmental transaction that may lead to the issuance of a contract and/or purchase order. Ownership, location, insurance coverage and financial reporting (GASB 14) need to be documented in the contract.

PURCHASE ORDER FORMS

The Purchase Order is the instrument used to initiate and control purchases. It should be completed and approved prior to making a purchase so that effective control over resources is continually maintained. The purpose of the system is to ensure that only those items needed by the department and authorized by its budget are purchased.

A Purchase Order is issued to a vendor by the Department Director. The Purchase Order is used as the order document, and is also used as a receiving document and final payment authorization document on all purchases.

Department Director issues and disburses the Purchase Order.

TO ISSUE A PURCHASE ORDER:

The purchase order form can be obtained from the Finance Department. A range of purchase order numbers are assigned to each department for purposes of internal control.

The purchase order may be typed or handwritten. If handwritten, legibility is vital. In the area designated as:

Date	place the date this item(s) is to be ordered
Vendor	place the name and mailing address of the vendor
Account	designate account to which this order is to be charged. Please use the chart of accounts supplied by the Finance Department. If you have questions, or need a new account, please contact the Finance Department before disbursing the purchase order. Project numbers are assigned as additions the account number for special tracking such as grants, be sure to include the project number if necessary.
Quantity	the number of items to be ordered (use one line for each different item. If additional room is needed, a separate sheet may be attached to each copy of the purchase order).
Description	a description of the item. This is used in the publication notice so please do not use catalog numbers or codes.
Unit Cost	the cost per unit ordered.
Extension	the total cost for this item. (Number of items ordered times the cost per unit). The total of all items ordered, including shipping and freight expenses.

Signatures a minimum of two signatures are required on each purchase order. One signature (on the right hand side) is for the person ordering and/or receiving the order. The second signature is pre-approval by the Department Director (left hand side of form). Orders exceeding \$25,000 shall be listed for Council approval prior to ordering.

TO DISBURSE A PURCHASE ORDER:

1 copy To supplier, if applicable

1 copy To Finance with confirming purchase request and informal bids when order is placed

1 copy To authorize payment after receipt of goods and/or services

1 copy Department Director copy

- If goods are already received, these steps will be expedited and processed by Finance
- When goods are received - receiving report, freight bill or delivery ticket and packing list and copy of invoice should be checked. A copy of purchase order should be approved by department Manager and sent to Finance for payment processing.
- Open purchase order file pulled - department copy of purchase order verified against receiving report – invoice copy approved and sent to finance indicating payment authorization
- Finance staff: identifies and verifies all invoices sent from vendors against information sent from departments, issues authorized payments; files check copy and original invoice in permanent file. (See Purchase Order Form in Appendix A)

PURCHASING CARD PROGRAMS

The purpose of a purchasing card program is to provide an efficient, cost-effective method of purchasing and paying for small-dollar as well as high-volume, repetitive purchases. This type of program is designed as an alternative to the traditional purchasing process reducing the volume of purchase orders, invoices and checks processed. Purchasing cards can be used whenever a purchase order, check request, or petty cash would have been processed with any vendor that accepts credit cards. Benefits of using the purchasing card program include:

- Simplifies and makes more convenient purchasing without a purchase order (eliminating many blanket purchase orders)
- Expedited delivery of goods
- Expanded list of merchants from whom purchases can be made (still requires W-9 form to be on file with finance prior to using the vendor, (inquire on AS400 or call finance)
- Lowers overall transaction processing costs per purchase
- Reduces requests for hand written checks
- Increased management information of purchases and personnel making purchases
- Allows purchasing dollar limits
- Vendors receive expedited payments and reduced paperwork
- Eliminating many reimbursements from Petty Cash

Each department will determine how many purchasing cards will be issued and monitor activity and assign accounting ledger numbers on the Internet. Analysis by cardholder, vendor, or volume can be retrieved directly over the Internet. Each issued card will include the individual's name along with the City's name and Tax Exemption number. Each department shall bear all costs associated with the use of the card. The Finance department shall solicit competitive bids for the selection of and terms for the use of a purchasing card for City use. A written agreement with the successful bank will include fees and processing procedures.

Spending and transaction limits for each cardholder, per transaction and on a cycle basis, shall be negotiated between the Department Director and the finance department.

Each employee issued a purchasing card will be required to sign an affidavit acknowledging responsibility for the safe keeping and proper use of the card. Upon employee termination, both voluntarily or due to disciplinary action, the purchasing card shall be returned to the finance department and all purchases will be suspended prior to issuance of final paycheck.

Any card may be withdrawn from the program for misuse, which shall include, but is not limited to periodic audits for card activity and retention of sales receipts and documentation of purchases.

Lost or stolen cards must be reported to the finance department immediately 754-5760. Any cost associated with the replacement of cards will be bore by the responsible department. The card will be automatically suspended and a new card will be sent to the program administrator.

When using the purchasing card for telephone orders, give the supplier the purchasing card number and expiration date. Ask the supplier to place a receipt with each shipment or with the item to be picked up.

The detailed sales receipt for each transaction shall be submitted to the finance department. All sales receipts must be approved by the Department Director and the appropriate account number assigned through the Internet. Some credit card "swipe machines" only indicate account number and total amount, in these situations, the cash register detailed receipt is also required. The reader of the receipt should be able to tell exactly what was purchased.

Care should be given that all methods of purchasing are monitored for policy and budget compliance.

Purchases using the purchasing card may be made by telephone, fax or secure Internet sites. Precautions should be made to in all cases to insure security and protection from theft or unauthorized use. Each transaction should reflect the appropriate purchasing card number, expiration date, signature of user and detailed invoices (receipts) which should be forwarded to the finance department. When using the purchasing card for telephone orders, ask the supplier to place a detailed receipt with each shipment or with the item to be picked up, order number (if used) and invoices should be forwarded to the finance department.

CREDITS/DISPUTED ITEMS AND CHARGES

The handling of disputed charges and unauthorized purchases will be the responsibility of the department. Problems with a purchased item or billing resulting from use of the purchasing card should be resolved with the supplier or merchant that provided the item. In most cases, disputes can be resolved directly between the cardholder and the supplier.

The supplier or merchant should issue credit for any item that has been discussed and agreed to for return and a Returned Goods authorization number from the supplier should be given. If the department cannot reach resolution with the merchant, write a formal letter within 60 days of the date the charge first appeared on the statement and forward it to finance. Finance will then dispute the item to the bank disputes department.

No cash advances shall be allowed with the purchasing card.

BLANKET PURCHASE ORDERS

Blanket purchase orders (or continuing appropriations) are used for those merchants from whom purchases are made, as supplies are repetitive and use of the purchase card is not available. Rather than issue a purchase order for each purchase, one purchase order is issued in advance, for a predetermined budget amount.

The Finance Department shall, or upon recommendation of a Department Director, initiate a blanket purchase order by:

- 1) Identifying the need to have a blanket purchase through examination of past purchasing records.
- 2) Solicit bids from suppliers if there is more than one accessible supplier.
- 3) Give the purchase order number to the selected vendor by issuing a pre-numbered purchase order. In the description section, write:

“Term order, furnish items as requested by (-----Department) employee when above purchase order number is referenced. Please issue monthly statements supported by invoices. This order expires upon notification, but no later than June 30, 20__

- 4) The Department Director shall determine those employees in each department who will be authorized to make purchases under the blanket purchase order.
- 5) The Department Director shall inform authorized employees of the type of items covered by blanket purchase orders, vendor name, purchase order number, budgeted amount and expiration date. Each authorized employee should obtain approval from the Department Director before making purchases under the blanket purchase order.
- 6) Close the blanket purchase order upon exhaustion of the budget or June 30th of each year, whichever comes first, by writing “Complete” on the copies maintained in accounting and issue a new purchase order. Inform authorized employees of the new purchase order.

CENTRAL STORES

Warehouse Procedure (currently used only for Central Stores also intended for future use in a central garage and/or other centrally purchased inventory).

An inventory list of all items centrally warehoused will be supplied to all departments and will be updated as the system evolves.

Items may be added or deleted and inventory levels adjusted up or down by contacting the appropriate department.

A charge-out sheet (or requisition) filed by each requesting division will be maintained by the warehouse person.

The person picking up supplies will present a list of items on a charge-out sheet. The items will be pulled from inventory and released after the signature of the person picking up the supplies is secured.

The warehouse person will code and price the item on the charge-out sheet before refilling the inventory.

At the end of each month, the Account Receivable Clerk will post the perpetual records and make copies for accounting to journalize the purchases.

PETTY CASH

Each of the following departments shall be responsible for maintaining a petty cash fund: City Clerk, Police Department, Park & Recreation Department (which includes the swimming pools and concessions), Water Pollution Control, Transit, Library, and Compost Facility. The petty cash fund is used for two purposes: 1) To make coins and currency available to make change for customers; 2) For individual purchases under \$30 which could not be covered by a purchase card or blanket purchase order.

REIMBURSEMENT FROM PETTY CASH

This is a discussion of eligible reimbursements from petty cash, required documentation for reimbursement and the replenishment of petty cash.

REQUEST FOR REIMBURSEMENT PROCEDURE:

A Request for Reimbursement - Petty Cash Fund Form will be used to reimburse City employees for the purchase of minor non-inventory items, in an amount not to exceed \$30 per incident. No sales tax should be charged to the City, and will not be reimbursed.

- 1) Valid petty cash requests: City employees shall be reimbursed through the Petty Cash Fund for items such as office supplies, minor automobile and equipment parts and miscellaneous items such as nuts, bolts, screws, incidental postage, mileage or meal reimbursements. No item purchased through the Petty Cash Fund should be a Central Stores inventory item or an item that could be covered under the established purchase card or blanket purchase order unless the request shows justification of such purchase.
- 2) A completed Request for Reimbursement - Petty Cash Fund form and supplier's cash receipt must be submitted to the appropriate department in order for a City employee to be reimbursed from the Petty Cash Fund. No reimbursement will be made without a supplier's cash receipt.
- 3) Request for Reimbursement - Petty Cash Fund form: The following information must be included on the Request for Reimbursement-Petty Cash Fund form: (See Appendix A)
 - Date of request.
 - Description of Item:
 - Purpose:
 - Amount Paid
 - Complete 13-digit account number to be expended
 - Signature of Recipient

- 4) At a time when the petty cash fund is depleted due to reimbursements, the Department Director shall submit all reimbursement forms and associated receipts to the Finance Department for replenishment of the petty cash fund. This request should be done on a purchase order in conjunction with the normal monthly vendor payment cycle but not less than annually.

- 5) City employees are not allowed to cash personal checks through the petty cash fund, or overwrite a check to receive cash. **MONITORING AND EXPEDITING PURCHASE ORDERS**

A procedure for the follow-up on purchase orders, which are outstanding beyond the requested delivery dates, shall be defined as follows:

The Department Director shall:

- 1) Review the purchase orders in the open purchase order file on a regular basis, not less than bi-annually.
- 2) Determine which purchase orders are overdue.
- 3) Contact vendors responsible for late deliveries.
- 4) Maintain a vendor correspondence file, which will include phone calls and actions taken on late deliveries.

PAYMENT TO VENDORS

SCHEDULING PAYMENTS

A schedule of payment must be established to maintain a good credit rating and good working relationship between the City and its vendors. In an effort to accommodate this goal, all completed purchase orders presented to the Finance Department by 5:00 P.M. on the third Monday of each month, will be presented for payment to be released following the Council meeting on the fourth Monday of each month. (Should the Council meeting be rescheduled, payment of invoices will be changed accordingly).

To insure that all items are paid in a timely manner, the following cooperation is necessary:

- 1) To obtain a pre-numbered purchase order forms, contact the Finance Department, or have a supply within your department. The computer will assign purchase order numbers electronically when purchase order system is implemented
- 2) If a new vendor is to be used, contact the Finance Department for a new vendor identification number. The Finance Department will assign the new vendor number and request a W-9 form from the vendor.
- 3) When placing an order, the Department Director must give the purchase order number and instruct the vendor to use that number when invoicing, sending statements or inquiring about payment.
- 4) Upon execution of a purchase order, a copy should be sent to the Finance Department.

- 5) All invoices and statements must be sent directly to the Finance Department. (If a statement or invoice is received without either #1 or #2 above, Finance will notify the affected department, if that can be ascertained). No payments will be made until all information is filed with the Finance Department.
- 6) Upon receipt of the supply, completion of the service and verification of cost, send the signed copy of the purchase order to Finance indicating acceptance.
- 7) Finance will process all completed purchase orders for the next payment cycle.
- 8) A list of all invoices shall be presented to the City Council for approval and publication. This invoice listing shall include the name of the vendor, brief description of items or services purchased, and the total of the invoices. The Finance Director/City Treasurer shall be prepared to give a brief explanation of all invoices to be included with the Council invoice listing.

In order to maintain a good credit standing, some payments need to be made outside of the monthly cycle. Those instances are as follows:

- a) Payroll and associated liabilities, i.e., deductions.
- b) If a discount can be received or a penalty avoided.
- c) Payment for bonds or interest payments on bonds.
- d) Contractual obligations previously approved by Council.
- e) Items purchased through the purchasing card process
- f) Reimbursements to employees

Replacement Checks

In the event payment is not received, a replacement check may be issued no earlier than ten calendar days following the original distribution date of the check. If payment is received but is lost prior to the cashing of the check, the System may issue a replacement check at any time with a charge of \$20.

DISCOUNTS AND TAX EXEMPTIONS

The Department Director should take advantage of each purchase discount offered and every tax exemption to which the City is entitled.

If materials and supplies are purchased in certain quantities, a vendor may offer a discount. In addition, a discount is often given on a purchase if payment is made within a given period of time. The money saved on any invoice for discount or avoidance of penalty shall be maximized and a pre-write is encouraged.

The City is not required to pay federal excise or state sales taxes. Therefore, the employee should inform all vendors that no tax should be charged. If tax is charged, the Finance Department shall reduce the invoice by the amount of the tax. For capital projects, the contractor shall furnish completed state forms upon completion of the project with the City Clerk. The City Clerk shall forward these refunds to the state for reimbursement. For all capital projects constructed after January 2, 2003 the plans and specifications should include information concerning the Contractor's ability to purchase materials, supplies or equipment for use in a building contract tax exempt from Iowa sales or use tax. The contractor needs an authorizing letter and a tax exempt certificate from the finance department when purchasing the materials, supplies or equipment for that project.

In many cases, the City pays fuel taxes up front and then must submit for a refund from the state and federal government. Records must be kept as to the number of gallons or each type of fuel used on which the refund is requested. The number and refund forms obtained from the State Department of Revenue and Finance and the Internal Revenue Service, shall be submitted by the Finance Department in a timely manner for each refund the City is eligible to receive.

METHOD OF PAYMENT TO VENDORS

The day following approval by the City Council, or if a request for early payment meets the pre-write criteria listed above, payment may be released by one of the following methods:

1. Checks are prepared and posted for first class mail.
2. Upon special arrangement and signature of receiver, a vendor may collect a written check at 24 N. Center Street.
3. Upon written approval and pre-note, confirmed by the vendor's bank, the finance department may release payment by ACH (automated clearing house). Due to the efficiencies when using the ACH payment method, all efforts should be made to convert the following payments to this method:
 - Disbursements
 - Payroll and payroll liabilities
 - Expense reimbursements to employees
 - Vendor payments
 - Retirement payments
 - Intergovernmental payments
 - Other recurring payments (for example: Rent assistance, group health claims)

Care should also be exercised to forward information as to the reason and amount of the payment. (See desk manuals and Cash Management Policy for internal controls on check writing and ACH payments.)

CASH FLOW MONITORING

The Finance Department, in an effort to capitalize on interest earnings, shall devise a cash flow procedure. This procedure shall forecast the receipt of revenues and the need for funds sufficient to cover all expenditures and payroll throughout the year. To that end, the Finance Department shall monitor all purchase orders. Any orders made by the Department Director in excess of \$25,000 shall be reported in advance to the Finance Director/City Treasurer to insure funds are available for anticipated payment.

SURPLUS CITY PROPERTY (EQUIPMENT)

Each Department Director shall be responsible for the disposal of all surplus property. Items that have no practical salvage or resale value shall be disposed of through local salvage yards, or through the landfill.

In the sale of property (equipment), the Council shall, upon recommendations from the City Administrator and Department Directors, make a declaration of surplus property by resolution and approve disposal of each item or parcel (See Section 364.7 Code of Iowa). The property shall be advertised for sale and bids solicited in the local newspaper once at least fourteen days prior to the awarding date of contract. The contract of sale shall be awarded to the highest responsible bidder, upon certification of sealed bids, public notice, public hearing, and competition as may be prescribed and upon such other terms and conditions not inconsistent with express provisions of the Code of Iowa and as the City Council may order. The City Council shall retain the power to reject any or all bids and advertise again. These same procedures shall be used when the City acts as transfer agent.

Upon successful disposal of an asset of the City, each Department Director shall submit a Disposition, Retirement or Transfer of Fixed Assets to the Finance Department to remove the asset from the City's Asset Listing and Insurance Policy. (See Form in Appendix A).

A transfer may be made if a need for the property (equipment), exists in other departments of the City. The Department Directors shall establish appropriate charges and transfer of said property. The Finance Department shall be notified of the transfer of all items which have been assigned an asset number.

Trade-Ins may be used if determined by the Department Director to provide maximum return to the City.

SECTION 5

AUDITING

The primary purpose of the purchasing audit is to ensure the procedures are being followed. Whether the audit is conducted by the finance department or external auditors, and that:

- Purchase volumes appear reasonable
- Purchases are appropriate budgeted transactions
- Purchases are properly accounted for

Auditor process when use is questioned or abuse is suspected:

- Ask manager about the item (s), if no remedy is available
- Ask purchaser about the item(s), if no remedy is available
- Review with vendor, if appropriate
- Contact Personnel Department if discipline is warranted
- Contact Union representative if advised

Appendix A

QUICK REFERENCE FOR PURCHASING

PURCHASING PROCEDURES (Recap)

The following recap summarizes the purchasing procedures. In all cases, multiple items may be listed on each purchase order. Each item must meet the following guidelines. Instructions for the distribution of purchase orders can be found on page nine (9) of this manual. Proper authorization and sufficient budget must be documented on each purchase order.

\$0 to \$5,000	Any budgeted item(s) under \$5,000 may be purchased by Department Directors or their respective designees without further approval or going through the Finance Department or procedures outlined elsewhere in the Purchasing Procedure. Purchase orders shall be filed when orders are placed and the vendor shall indicate the purchase order number on all invoices and statements or when inquiries are made concerning status of payment. If a purchase card or open purchase order is used, original invoices should be sent to the finance department after departmental approval and assigning of account number.
\$5,000 to \$10,000	Any item(s) costing over \$5,000, but less than \$10,000, must be processed in the manner described above and covered by a properly documented informal bid form and Purchase Order. If the informal bids are solicited verbally, the successful vendor shall provide written verification of price quoted.
\$10,000 to \$35,000	Items (goods and/or Services) costing over \$10,000, but less than \$35,000, shall be purchased from the individual or firm with the lowest and/or best bid or quotation providing that all specifications, delivery schedule or any other special requirements are met. A minimum of two bids or quotes must be secured providing there are that many acceptable potential sources available. (Documentation must be established to substantiate effort if less than three bids/ proposals are solicited).
Over \$35,000	Items (Goods and/or Services) costing over \$35,000 shall be purchased ONLY AFTER CITY COUNCIL has ACCEPTED the lowest responsible bid or quotation. Documentation must be established to substantiate good faith effort if less than three bids/proposals are solicited). IN THE CASE OF PUBLIC IMPROVEMENTS REQUIRED BY STATE LAW TO BE FORMALLY BID, the form of contract, contract plans, specifications and engineer's estimate of cost must be approved in advance of the solicitation of bids. The contract must then be approved by council and finally approved after being fully executed by the contractor.

Purchases on a Purchase Card (RECAP)

Purchase card orders are used with suppliers of repetitively purchased items, items that require advance deposits, such as hotel reservations and when it is necessary to expedite delivery of goods.

Payment for this type of purchase is required bi-weekly to benefit from the bank discounts so turn around time for approval must be timely. Each department has access to the Internet service to monitor activity and assign correct account numbers. Forward the invoice or counter ticket to the Finance Department to coincide with this schedule.

Purchases on a Blanket Purchase Order (RECAP)

Blanket purchase orders are placed with suppliers of repetitively purchased items where purchase cards are not available.

1. Recognize the need for an item covered by a Blanket Purchase Order and obtain the blanket purchase Order number;
2. Use the blanket purchase order number to obtain the item from the vendor. Obtain a copy of the signed vendor invoice and/or counter ticket. This signature very often is the only department identification available to Finance.
3. Forward the invoice or counter ticket to the Finance Department. When a department's internal procedures are to retain the counter ticket until a copy of the invoice is received from Finance, please notify Finance of this procedure or time delay for payment may be experienced.

Finance Department procedure for Blanket Purchase Orders:

- 1) Collect invoices as received. (Some department's request copies be made and forwarded)
- 2) Compare invoices to the terms and prices of the agreement with the vendor.
- 3) File invoices by vendor.
- 4) Monthly compare invoices to vendor's statements.
- 5) Resolve any differences between invoices and vendor's statements.
- 6) Process invoices for payment.

CITY OF MARSHALLTOWN

24 N. Center Street
Marshalltown, IA 50158-4911

Phone: (641) 754-5760

Fax: (641) 754-5717

PURCHASE ORDER

To: _____ PO No. _____

Date: _____

Dept: _____

Budget or Contract Total>>			
QUANTITY	DESCRIPTION	UNIT COST	TOTAL

PO Description

Accounts:

Cost Center	Object	Sub	Project	Total
	.	.		
	.	.		
	.	.		
	.	.		
	.	.		
	.	.		
	.	.		

Sub Total

Shipping/Handling

TOTAL TO PAY>>

Approval/Date

<<If account totals and
invoice totals match
this should be blank

Notes/Remarks

DIRECT DEPOSIT OF PAYROLL CHECKS

All Regular City employees who begin employment with the City on or after July 1, 1998, shall be required to have their paycheck directly deposited to an account. Direct deposit is available to any financial institution. Regular City employees hired prior to that date are strongly encouraged to participate in the direct deposit program.

The employee must complete the Authorization for Direct Deposit form (next page of this section), attach a **voided blank check** or a photocopy of a check, and submit both to the Payroll Department. Because it typically takes ten days to run a test deposit through the banking system, the first actual direct deposit of the employee's check might not occur with the next payroll after the form and check are submitted to the Payroll Department. The Payroll Clerk can advise you on the timing of your request.

AUTHORIZATION FOR DIRECT DEPOSIT

Direct Deposit of your entire check can be made to any financial institution.

I hereby authorize the City of Marshalltown to deposit my payments directly to the following financial institution:

I have attached a copy of a **VOIDED BLANK CHECK** or a photocopy of a check.

I understand that because it typically takes ten days to run a test deposit through the banking system, the first actual direct deposit of my check might not occur with the next payment.

I understand that the City will furnish me with the check stub on the regular payment day and that the check will be deposited on or before noon on the regular payment day. Due to differences in the regulations of various financial institutions the City cannot guarantee when my financial institution will make the funds available to me.

This authorization is valid until canceled.

Signature: _____

Social Security Number: _____

Date: _____

AUTHORIZATION FOR PAYROLL DEDUCTION

Automatic withdrawal of payments due to the City of Marshalltown.

I hereby authorize the City of Marshalltown to withdraw payments from future paychecks for the item(s) listed below:

☐ Other: _____ (An equal amount will be deducted each pay period for the next four periods)

I understand that the City will furnish me with the remittance advice

This authorization is valid until an amount not to exceed \$_____ has been withheld.

Signature: _____

Social Security Number: _____

Date: _____

PETTY CASH DISBURSEMENT

DATE: _____

ITEM: _____

PURPOSE: _____

AMOUNT PAID: _____

RECEIVED BY

(Signature Required)

Account Number _____.

CENTRAL OFFICE SUPPLIES

Please indicate below each time you wish to order, the date of your request, department and the signature of the Department Director and list all supplies needed at this time.

After completed, please return this form to the finance department. Someone from the department will notify you of availability of supplies.

Date

Department Signature

Item	Description/Product #	Quantity	Price

CITY OF MARSHALLTOWN

REQUEST FOR BUDGET LINE ITEMS TRANSFER

Date: _____

Department: _____

Request Amount: Budget \$ _____

Request #1 Transfer FROM Account No. _____ A

Transfer TO Account No. _____ A

Request Amount: Budget \$ _____

Request #2 Transfer FROM Account No. _____ A

Transfer TO Account No. _____ A

Request Amount: Budget \$ _____

Request #3 Transfer FROM Account No. _____ A

Transfer TO Account No. _____ A

Justification for Request:

Requested By/Date: _____

Department: _____

Date of Budget Voucher change: _____

CITY OF MARSHALLTOWN

**REQUEST FOR BUDGET TRANSFER BETWEEN ACTIVITIES
WITHIN THE SAME PROGRAM**

Date: _____

Department: _____

Request Amount: Budget \$ _____

Request #1 Transfer FROM Account No. _____ . _____ . _____ A

Transfer TO Account No. _____ . _____ . _____ A

Request Amount: Budget \$ _____

Request #2 Transfer FROM Account No. _____ . _____ . _____ A

Transfer TO Account No. _____ . _____ . _____ A

(may request additional transfers on another piece of paper)

Justification for Request:

Requested By/Date: _____

Date of City Administrator's
Approval: _____

Forward to
Finance _____

CITY OF MARSHALLTOWN

REQUEST FOR ADDITIONAL FUNDS AND/OR BUDGET

Date: _____

Department: _____

Requested Amount: _____

Account No. _____ A

Justification for Request:

Requested by: _____

Date: _____

Recommended Approval:

City Administrator

Finance Director

Council Approval Date

CITY OF MARSHALLTOWN

INFORMAL (PHONE) BID FORM

Date: _____

Items to be purchased:

Price / Terms

Vendor#1

Vendor #2

Vendor #3

Person soliciting quotes:

This same information can be entered onto the PO eliminating the need for this form

City of Marshalltown
Fixed Asset Acquisition Form For J.D. Edward's Software

Asset No. _____ Parent Number _____
(if applicable)
Department _____ Purchase Order No. _____
Vendor(s) _____ Expend Acct No. _____
Description _____
Date Acquired _____ Unit No. _____
Serial No. _____ Model No. _____
License Plate # _____ Title Number _____
Acquisition Cost _____ Salvage Value _____ Life _____
(including trade in value) (in months)

Special Coding for Reports

* The items with an asterisk will be completed by Finance. The blanks are represented by special codes. See "Fixed Assets Special Category Coding" report for a list of current codes set up in system. Additional codes can be created as requested.

*C1-Acctg Class _____ C2-Equip Class _____ *C6-Asset Type _____
C7-Activity _____ C8-Dept Head _____ *C9-Fund Type _____
C0-Contrib Cap _____ Contributor _____
C21-Project No _____ Project Name _____
C22-Location No _____ Location Name _____

Insurance Information

Date added _____ Coverage for Vehicles _____
Insurance Type _____ Insurance Number _____
Insured Value _____ Premium Amount _____

Finance Use Only

Company Number _____ Responsible CC _____
Asset CC/Obj/Sub _____ A/C CC/Obj/Sub _____
Date Paid _____ Check Number _____
Approved by _____ Date _____
(Dept. Head or Other Authorized Signature)

City of Marshalltown

Fixed Asset Disposition, Retirement or Transfer Form

Method of Disposal:

- ☐ Transferred
- ☐ Sold
- ☐ Traded In
- ☐ Stolen/Lost
- ☐ Obsolete
- ☐ Replaced during repair/maint

Delete from:

- ☐ Fixed Asset Listing
- ☐ Insurance
- ☐ Both

ASSET INFORMATION

Date Disposed _____ Department _____

Asset No. _____

Description _____

Serial Number _____

License Plate Number _____ Title Number _____

Orig Acquisition Date _____ Orig Acquisition Cost _____

GFAAG Funding Source (Finance) _____

DISPOSAL INFORMATION

Council Approved Date: _____

Sold/Transferred/Traded to: _____

Address: _____

Cash or Dollar Value Received: _____

TRADE-IN INFORMATION

Information concerning new asset received on trade-in:

Description _____

Serial No. _____

Asset No. _____

Approved by _____ Date _____
(Dept Head or Other Authorized Signature)

PURCHASING POLICY RECAP – Revised May, 2014

Purchase Type	Cost	Method	Approval	Review	Contract Signed by
Vertical Public Improvement (Does not include repairs)	Greater than \$130,000	Formal bid	Council		Mayor
	Between \$36,000 and \$130,000	Quotation	Council		Mayor
	Between \$10,000 and \$36,000	Quotation	Department Head / City Administrator	Council Packet*	Department Head
	Between \$5,000 and \$10,000	Quotation	Department Delegee / City Administrator	Council Packet*	Department Head
	Below \$5,000	Deminimus*	Department Delegee	Council Packet*	N/A or Department Delegee
	All Change Orders to be approved and reported in the same manner as the original contract.				Person that signed the original contract
	Performance Bonds (75%) are required for projects greater than \$25,000. The bond may be reduced to 25% if the contract agrees to single payment after contract completion.				
	Emergency – means a “public safety” situation, saving either life or property. Almost never applies.				
Motor Vehicles Requires council pre approval prior to requesting quotes /bids	Greater than \$100,000	Formal bid	Council		Mayor
	Between \$5,000 and \$100,000	Quotation	Council		Mayor
	Less than \$5,000	Deminimus*	Department Delegee		N/A or Department Delegee
All Other Purchases (except Grants)	Greater than \$100,000	Formal Bid	Council		Mayor
	Between \$35,000 and \$100,000	Quotation	Council		Mayor
	Between \$10,000 and \$35,000	Quotation	Department Head / City Administrator	Council Packet*	Department Head
	Between \$5,000 and \$10,000	Quotation	Department Delegee		Department Head
	Less than \$5,000	Deminimus*	Department Delegee		N/A or Department Delegee
Grants	Council approves grant application at time of grant application or award, receipt of grant funds; then must comply with grant terms.		Council		Mayor

***Council Packet** – state statute requires public improvements less than \$36,000 listed in the council minutes. Legal advice is to include a listing of all contracts in the packet. Language on agenda and in minutes is “All contracts approved by Dept heads or City Administrator since the last meeting were/are presented to council for review.”

***Deminimus** allows use of local preference.

- General rule: Bid everything, unless a conscious decision has been made the bidding process is not worthwhile being either 1) too cumbersome, or 2) unlikely to save money.
- Multiple year contracts for recurring purchases may use the same purchase order number throughout terms of the contract.
- Sole source may be used for OEM and warranty repairs
- Contracts for services with cost between \$5,000 and \$35,000 - submit insurance certificates and quotation memo with the purchase order. Finance keeps payment information ten years.